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Federal Register

THURSDAY, NOVEMBER 30, 1978

highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

For workshops in Washington, D.C. and out of town, see notice on inside front cover.

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HOW TO USE THE FEDERAL REGISTER WORKSHOPS

Washington, D.C. Workshops

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

WHAT: Free Friday workshops presenting:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. 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.

WHEN: December 15—from 9–11:30 a.m.
WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.
RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202–523–5235.

Out of Town Workshops Previously Announced:

PITTSBURGH, PENNSYLVANIA

WHEN: December 2, 1978, at 9:30 a.m.
WHERE: Moot Court Room, Duquesne University School of Law, Rockwell Hall (7th Floor), 600 Forbes Avenue, Pittsburgh, Pennsylvania.
WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.
RESERVATIONS: Call 412–434–6293.

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[3195-01-M]

Title 3—The President

PROCLAMATION 4609

Bill of Rights Day Human Rights Day and Week, 1978

By the President of the United States of America

A Proclamation

Two great events in the history of human liberty will be commemorated in December: the ratification, on December 15, 1791, of the Bill of Rights of the Constitution of the United States, and the adoption, on December 10, 1948, of the Universal Declaration of Human Rights by the United Nations General Assembly.

The anniversary of the Bill of Rights reminds us that our Nation is a continuing experiment in human freedom. Because of the Bill of Rights, we have been able to weather 187 years of tumultuous social and technological change without losing our fundamental liberties. Indeed, those liberties have actually expanded in scope, and have grown to encompass a steadily larger proportion of our people. We can be proud of what we have achieved. But we cannot be complacent, for too many Americans are still denied a fair opportunity to enjoy the rights and rewards of our society. That is why Bill of Rights Day should be a day of rededication as well as of commemoration.

This year, we mark the 30th anniversary of the Universal Declaration of Human Rights.

The Declaration is the cornerstone of a developing international consensus on human rights. It is also the authoritative statement of the meaning of the United Nations Charter, through which member nations undertake to promote, respect and observe human rights and fundamental freedoms for all, without discrimination. A long and difficult road must be travelled before the reality of human rights in the world matches the words of the Declaration. The Declaration will light that road and give strength to all who follow it.

The Universal Declaration is the heart of a body of important United Nations human rights documents: the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Elimination of All Forms of Racial Discrimination, the Covenant on Civil and Political Rights, and the Covenant on Economic, Social and Cultural Rights. The United States signed the Genocide Convention in 1948 and the Racial Discrimination Convention in 1966. I signed the other two Covenants on October 4, 1977. I hope that the United States Senate will soon approve the Genocide Convention at last, and will undertake early hearings to permit our Nation's adherence to the three remaining instruments. There could be no more appropriate gesture to mark the anniversary of the Universal Declaration.

I also signed the American Convention on Human Rights on June 1, 1977. I am proud that since then, eleven nations of the Americas have ratified it, thus bringing it into force.

The great and noble struggle to realize the rights of all men and women goes on. In the face of injustice and oppression, human beings continue to sacrifice and strive for justice and for human dignity.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim December 10, 1978, as Human Rights Day and December 15, 1978, as Bill of Rights Day, and call on all Americans to observe Human Rights Week beginning December 10, 1978. Let us reaffirm our dedication to the promise of this Nation for all citizens. And let us renew our efforts as members of the world community on behalf of the human rights of all people everywhere.

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

Jimmy Carter

[FR Doc. 78-33744 Filed 11-29-78; 11:18 am]

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.

[1610-01-M]

Title 4—Accounts

CHAPTER I—GENERAL ACCOUNTING OFFICE

SUBCHAPTER G—STANDARDS FOR WAIVER OF CLAIMS FOR ERRONEOUS PAYMENT OF PAY

PART 92—PROCEDURE

Referral of Claims for Collection or Litigation

AGENCY: General Accounting Office.

ACTION: Final rule.

SUMMARY: This Amendment of Part 92 of Title 4, Code of Federal Regulations, concerns the waiver of claims of the United States against individuals dealing with erroneous payments of pay and allowances. The purpose of this provision is to preclude the referral of claims to the Attorney General once an application for waiver had been received. The amendment will clarify ambiguous language which could be construed as requiring all such claims be considered for waiver prior to referral to the Attorney General even if an application for waiver had not been made.

EFFECTIVE DATE: November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

James C. Farley, Jr., U.S. General Accounting Office, Claims Division, Room 5045, 441 G Street, NW., Washington, D.C. 20548 (202) 275-5088.

SUPPLEMENTARY INFORMATION: Claims of the United States are often referred to the Attorney General for litigation when administrative collection actions by the various agencies and the General Accounting Office are unsuccessful.

Part 92 of Title 4 of the Code of Federal Regulations relates to the waiver of claims of the United States against individuals arising out of erroneous payments of pay and allowances. These regulations were issued pursuant to the authority contained in 5 U.S.C. 5584, 10 U.S.C. 2774, and 32 U.S.C. 716, which authorize the head of an agency or the Comptroller General of the United States to waive claims of the United States in appropriate circumstances.

The purpose of 4 CFR 92.8(b) was to preclude the referral of claims to the Attorney General once an application for waiver had been received. The provision was introduced into the regulations to avoid any delays or interruption once a determination has been made to proceed with litigation. However, although the intent is clear, the language of the provision could be construed as requiring all such claims be considered for waiver prior to referral to the Attorney General even if an application for waiver had not been made. Accordingly, 4 CFR 92.8(b) is being revised to preclude this unintended construction of the regulation.

Accordingly, 4 CFR 92.8(b) is amended as follows:

§ 92.8 Referral of claims for collection or litigation.

* * * * *

(b) No claim for the recovery of an erroneous payment of pay and allowances, which is under consideration for waiver shall be referred to the Attorney General unless the time remaining for suit within the applicable limitation does not permit such waiver consideration prior to referral.

ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc. 78-33594 Filed 11-29-78; 8:45 am]

[3410-02-M]

Title 7—Agriculture

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

[Navel Orange Regulation 442]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period December 1-7, 1978. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: December 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on November 28, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports that prices for navel oranges are moderating with an increase in the supplies available.

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

ulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.742 Navel Orange Regulation 442.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period December 1, 1978, through December 7, 1978, are established as follows:

(1) District 1: 1,200,000 cartons;

(2) District 2: Unlimited movement;

(3) District 3: Unlimited movement;

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

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

Dated: November 29, 1978.

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

[FR Doc. 78-33745 Filed 11-29-78; 11:18 am]

[3410-02-M]

PART 981—ALMONDS GROWN IN CALIFORNIA

Administrative Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule would reduce the weight obligation of almond material that handlers—those regulated by the marketing order for California almonds—must deliver to non-human consumption outlets for quality control. This rule applies only to the 1978-79 crop year, and is intended to augment the very short existing supplies of California almonds.

DATES: Effective July 1, 1978 to June 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

SUPPLEMENTARY INFORMATION: Notice was published in the November 3, 1978, FEDERAL REGISTER (43 FR 51405) to amend Subpart—Administrative Rules and Regulations (7 CFR 981.442-981.474) by revising §§ 981.442. Two comments were received.

The subpart is issued under the marketing agreement, as amended, and Order No. 981, as amended (7 CFR 981) regulating the handling of almonds grown in California. The marketing agreement and order are collectively referred to as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The rule is based on a recommendation of the Almond Board of California.

Section 981.42 provides for each handler to cause to be determined, through the inspection agency, and at the handler's expense, the percent of inedible kernels in each variety of almonds received by him, and report this determination to the Board. The quantity of inedible kernels in each variety in excess of two percent of the kernel weight received, constitutes a weight obligation to be accumulated in the course of processing and shall be delivered to the Board, or Board accepted crushers, feed manufacturers, or feeders. Section 981.42 also authorizes the Board, with the approval of the Secretary, to change this percentage for any crop year and to establish rules and regulations necessary and incidental to the administration of this provision.

Section 981.442 specifies the procedures for implementing § 981.42. In lieu of the two percent tolerance specified in § 981.42, § 981.442(a)(4) currently provides that the quantity of inedible kernels in each variety in excess of one and one-half percent of the kernel weight received, constitutes a handler's weight obligation to be delivered to the Board, or Board accepted crushers, feed manufacturers, or feeders. The proposal was to revise § 981.442(a)(4) for the 1978-79 crop year so that the quantity of inedible kernels in each variety in excess of three percent, instead of the current one and one-half percent, would constitute a handler's weight obligation.

In its October 13, 1978, meeting, the Almond Board of California said that the change was needed primarily to allow more almonds to be shipped to the trade. The Board believes the 1978 crop will be less than the previous forecast of 205,000,000 pounds (kernel weight basis). When compared with last year's crop of 313,000,000 pounds, the current estimate of 1978 production represents a severe shortage of almonds. The Board noted that with a tolerance of three percent there would be no significant reduction in the quality of almonds offered to the public as a result of its proposed change.

Of the two comments, one person opposed the proposal and one favored it. The person opposing the proposal indicated that any relaxation in the tolerance could result in the marketing of seriously damaged almond kernels which could pose a marketing problem. He also expressed concern that a "one time only" relaxation of the tolerance opens the door in the future to similar changes when "special" conditions exist, and may become permanent. "The gravest concern", however, is that the "change has not been handled on an equal basis" because the large handler is in the best position to benefit by the change, and small handlers operated on the assumption that the one and one-half percent tolerance would not be changed. They incurred higher labor costs of sorting to that tolerance, and now have pickouts from the graded kernels which they cannot now blend back into the finished product without additional cost, thus they are at a competitive disadvantage. The commentator also contended that the Board was being operated to benefit the large handler.

The other commentator urged adoption of the rule change and stressed that seriously damaged rejects for the 1978 production which could cause a marketing problem, can and are being, sorted from the good product and disposed of in non-human consumption channels regardless of any tolerance change. Also, the change would make more almonds available to the trade and thus augment the returns to at least 70 to 75 percent of all almond growers.

Much of the damage in the 1978 production is cosmetic in nature in that the kernels are lightly damaged or surface damaged. Based on the Board discussions and the comment favoring the change, it would appear that a relaxation of the tolerance would not result in (1) any appreciable diminution in the quality of the almonds marketed during the remainder of the 1978-79 crop year, and (2) an unacceptable product which would pose marketing problems. Indications are that handlers are sorting out those kernels with more serious damage. In addition, the 1978 production is small in comparison to demand, and it is estimated that the change would make several million more pounds of almonds available for disposition by handlers. It is recognized, as pointed out in the comment in opposition to the change, that some handlers may have processed their receipts of 1978 crop almonds on the basis of the one and one-half percent tolerance, and may be unable to fully avail themselves of the more liberal tolerance without incurring additional cost. However, for the reasons stated previously, the change in the tolerance results from circumstances probably unique to the 1978 crop of almonds, and would be of benefit to a majority of the almond industry, and therefore should be adopted as soon as possible.

Therefore, after consideration of all relevant matter presented, including that in the notice, the comments received, the recommendation submitted by the Board, and other available information, it is found that to amend the administrative rules and regulations as herein set forth will tend to

effectuate the declared policy of the act.

It is further found that it is impractical, unnecessary, and contrary to the public interest to postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The 1978-79 crop year began July 1, 1978, and this rule change is applicable for that crop year; (2) this regulation reduces a restriction on handlers; and (3) immediate establishment of this rule is necessary so that handlers and growers may avail themselves of it as soon as possible.

Therefore, § 981.442(a)(4) is revised to read as follows:

§ 981.442 **Quality control.**

(a) * * * (4) *Disposition obligation.* The weight of inedible kernels in excess of one and one-half percent of the kernel weight reported to the Board of any variety received by a handler shall constitute his disposition obligation, except that for the 1978-79 crop year ending June 30, 1979, this percentage shall be three percent. If a variety other than Peerless is used as bleaching stock, the weight so used may be reported to the Board and the disposition obligation for that variety reduced proportionately.

* * * * *

Dated: November 27, 1978.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc. 78-33583 Filed 11-29-78; 8:45 am]

[3410-02-M]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Expenses of the California Date Administrative Committee, and Rate of Assessment for 1978-79 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1978-79 crop year, to be collected from handlers to support activities of the California Date Administrative Committee which locally administers the Federal marketing order covering domestic dates produced or packed in Riverside County, California.

DATES: Effective October 1, 1978, through September 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to Marketing Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in Riverside County, California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Committee, established under this marketing order, and upon other information, it is found that the expenses and rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

§ 987.323 **Expenses and rate of assessment.**

(a) Expenses that are reasonable and likely to be incurred by the California Date Administrative Committee during the 1978-79 crop year, will amount to $27,550.

(b) The rate of assessment for said year payable by each handler in accordance with § 987.72 is fixed at 7 cents per hundredweight on all assessable dates.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rulemaking, and that good cause exists for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), as the order requires that the rate of assessment for a particular crop year shall apply to all assessable dates handled from the beginning of such year which began October 1, 1978. To enable the Committee to meet crop year obligations, approval of the expenses and assessment rate is necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of the Committee. It is necessary to effectuate the declared purposes of the act to make these provisions effective as specified.

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

Dated: November 27, 1978.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc. 78-33584 Filed 11-29-78; 8:45 am]

[3410-07-M]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 426.1]

PART 1806—INSURANCE

Subpart A—Real Property Insurance

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations concerning real property insurance. The intended effect of this action is to eliminate any suggestion of sexual bias.

EFFECTIVE DATE: November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Agnes M. Copeland, 202-447-4572.

SUPPLEMENTARY INFORMATION: Section 1806.2(b)(7) of Part 1806 of Chapter XVIII, Title 7, Code of Federal Regulations is amended. The purpose of this amendment is to require that the property insurance policy include the names of all borrowers who are owners of the property being insured. Since this is an amendment of a procedural rule, publication in prior rulemaking format is unnecessary.

Accordingly, § 1806.2, paragraph (b)(7) is amended to read as follows:

§ 1806.2 **Companies and policies.**

* * * * *

(b) Insurance policies. * * * (7) *Name and location.* The policy should contain names of all the borrowers who are owners of the property being insured, and it will be returned for correction if it does not do so. The location of the property should be so described in the policy that the property can easily be identified. The complete legal description of the property by metes and bounds is not required. Any deviation from the requirements of this paragraph must first be cleared with the National Office.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 442; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 P.L. 93-357, 88 Stat. 392; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority for Rural Development, 7 CFR 2.70; delegations of authority by Director OEO 29 FR 14764, 33 FR 9850)

Dated: November 17, 1978.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc. 78-33585 Filed 11-29-78; 8:45 am]

[3410-10-M]

SUBTITLE A—OFFICE OF SECRETARY OF AGRICULTURE

[Amdt. 3]

PART 16—LIMITATION ON IMPORTS OF MEAT

Section 204 Import Regulations; Restrictions on the Importation of Meat From Australia and Nicaragua

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: The regulations set forth in this Subpart are amended to limit imports of certain meats from Australia and Nicaragua to no more than 766.2 million and 59.5 million pounds, respectively, during calendar year 1978. Such action is necessary to carry out the 1978 restraint program, including agreements entered into by the United States with Australia and Nicaragua pursuant to Section 204 of the Agricultural Act of 1956 limiting the export from Australia and Nicaragua and the importation into the United States of certain meats.

EFFECTIVE DATE: November 30, 1978. See supplementary information.

FOR FURTHER INFORMATION CONTACT:

John E. Riesz (FAS), 202-447-7217, Dairy, Livestock and Poultry Division, CP, FAS, USDA, Room 6621 South Building, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: The Secretary of State and the Special Representative for Trade Negotiations concur in the issuance of these regulations.

These regulations establish quantitative restrictions applicable to meat imported from Australia and Nicaragua which may be entered or withdrawn from warehouse for consumption in the United States, whether shipped directly or indirectly, at the level of 766.2 million and 59.5 million pounds, respectively, during calendar year 1978.

The action taken herewith has been determined to involve foreign affairs functions of the United States. Therefore, these regulations fall within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553 and E.O. 12044.

EFFECTIVE DATE

Meat released under the provisions of section 448(b) of the Tariff Act of 1930 (19 U.S.C. 1448(b) (immediate delivery)) prior to November 30, 1978, shall not be denied entry.

Subpart A, Section 204 Import Regulations, of Part 16, Limitation on Imports of Meat, of Title 7 of the Code of Federal Regulations is amended to add § 16.5 "Quantitative Restrictions" which reads as follows:

§ 16.5 Quantitative restrictions.

(a) Imports from Australia. During calendar year 1978, no more than 766.2 million pounds of meat, exported from Australia in the form in which it would fall within the definition of meat in TSUS 106.10 or 106.20, may be entered or withdrawn from warehouse for consumption in the United States, whether such meat was shipped directly or indirectly, from Australia to the United States.

(b) Imports from Nicaragua. During calendar year 1978, no more than 59.5 million pounds of meat, exported from Nicaragua in the form in which it would fall within the definition of meat in TSUS 106.10 or 106.20, may be entered or withdrawn from warehouse for consumption in the United States, whether such meat was shipped directly or indirectly, from Nicaragua to the United States.

(Sec. 204, Pub. L. 540, 84th Cong., 70 Stat. 200, as amended (7 U.S.C. 1854) and Executive Order 11539 (35 FR 10733).)

Issued at Washington, D.C. this 28th day of November 1978.

BOB BERGLAND,
Secretary.

[FR Doc. 78-33740 Filed 11-29-78; 10:58 am]

[4410-10-M]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 322—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN OF CITIZEN PARENTS

PART 323—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN ADOPTED BY UNITED STATES CITIZENS

Implementation of Sec. 7 of Pub. L. 95-417 Elimination of Residence Requirement for Naturalization of Adopted Alien Children

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rulemaking order amends the regulations of the Immigration and Naturalization Service regarding residence requirements for adopted alien children to comply with recently enacted legislation. Effective October 5, 1978, section 323 of the Immigration and Nationality Act was repealed. The regulatory amendments set forth in this order are necessary and intended to bring our regulations into compliance with the repeal of section 323.

EFFECTIVE DATE: October 5, 1978.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, telephone: 202-376-8373.

SUPPLEMENTARY INFORMATION: This final rulemaking order amends the regulations of the Immigration and Naturalization Service by revising 8 CFR 322.1, and by revoking 8 CFR Part 323 and 8 CFR 323.11. The reason for this action is the repeal by the Congress of section 323 of the Immigration and Nationality Act in Pub. L. 95-417 (92 Stat. 918), effective October 5, 1978. Before its repeal by section 7 of Pub. L. 95-417, section 323 of the Immigration and Nationality Act required an alien adopted child to reside with the adoptive parents in the United States for two years before the child would be eligible for naturalization. This two year residence requirement was not applicable to natural born children. Section 323 also required 1 year physicial presence by the adopted child in the United States prior to the filing of the petition for naturalization. Section 7 of Pub. L. 95-417 repeals section 323 of the Immigration and Nationality Act. In so doing, it makes an adopted child eligible for naturalization immediately following his adoption and lawful admission for permanent residence, thus abolishing the distinction between adopted and natural born children as regards eligibility for naturalization. These children will now be naturalized

under the provisions of section 322 of the Act and 8 CFR Part 322.

In the light of the foregoing Chapter I of Title 8 of the Code of Federal Regulations is hereby amended as set forth below.

PART 322—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN OF CITIZEN PARENTS

1. § 322.1 is revised as set forth below:

§ 322.1 Petition.

An application to file a petition for naturalization under section 322 of the Act in behalf of a child shall be submitted on Form N-402. The petition for naturalization shall be filed on Form N-407, in duplicate. A child under this part is not required to establish any particular period of residence in a state.

PART 323 [REVOKED]

2. 8 CFR Part 323 and 8 CFR 323.11 are hereby revoked.

(Sec. 7 of Pub. L. 95-417, 92 Stat. 918; sec. 103; 8 U.S.C. 1103. Interpret or apply secs. 322 and 332; 8 U.S.C. 1433 and 1443.)

These amendments are published pursuant to 5 U.S.C. 552 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 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary and would be impractical in this instance because Sec. 323 of the Immigration and Nationality Act was repealed by sec. 7 of Pub. L. 95-417 which became effective October 5, 1978.

Dated: November 24, 1978.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc. 78-33588 Filed 11-29-78; 8:45 am]

[7590-01-M]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Codes and Standards for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Effective rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulation, "Codes and Standards," to clarify certain ambiguities to avoid misinterpretations of provisions which deal with requirements for in service inspection of nuclear power plants. These clarifications should result in more expeditious reviews and processing of in service inspection programs by the NRC.

EFFECTIVE DATE: November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. A. Taboada, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301-443-5999).

SUPPLEMENTARY INFORMATION: In applying Section 50.55a, "Codes and Standards," of the Commission's regulations 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," to current licensing actions, some confusion has resulted because of ambiguities that existed in the language. The amendments set forth below modify the language of § 50.55a to clarify the ambiguities.

Since the amendments are clarifications of regulations currently in effect and do not impose a burden to anyone applying the regulation, the Commission has found that good cause exists for omitting general notices of proposed rulemaking and public procedure thereon as unnecessary and for making the rule effective immediately without the customary 30-day waiting period.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 50 are published as a document subject to codification.

1. In § 50.55a of 10 CFR Part 50, paragraphs (g)(4)(iii) and (g)(4)(iv) are amended by deleting the words "tests of pumps and valves for assessing operational readiness" and substituting therefor the words "tests to verify operational readiness of pumps and valves whose function is required for safety"; and paragraph (g)(6)(i) is amended by deleting the words "impractical and may grant such relief" and substituting therefor the words "impractical. The Commission may grant such relief and may impose such alternative requirements".

(Secs. 103, 104, 161i, Pub. L. 83-703; 68 Stat. 936, 937, 948 (42 U.S.C. 2133, 2134, 2201(i)).)

Dated at Bethesda, Md., this 9th day of November, 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc. 78-33608 Filed 11-29-78; 8:45 am]

[1505-01-M]

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Miscellaneous Amendments

Correction

In FR DOC. 78-31528 appearing at page 52201 in the issue for Thursday, November 9, 1978, make the following change:

On page 52202, under the heading, "PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS" amendatory paragraph no. 4, fourth line, "212-337-5000" should be corrected to read "215-337-5000".

[4910-13-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 78-ASW-52; Amdt. 39-3356]

PART 39—AIRWORTHINESS DIRECTIVES

Aircraft Parts and Development Corp. (Callair) A-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to Aircraft Parts and Development Corporation (Callair) A-9 Series Airplanes by changing the applicability to apply to all Aircraft Parts and Development Corporation (Callair) A-9 Series Airplanes that have the wing struts carry-through tube running through the hopper. The amendment is needed because the FAA has determined that any of these aircraft that have the wing struts carry-through tube running through the hopper are susceptible to corrosion and possible failure of the wing struts carry-through tube to which the AD is directed and the FAA has determined that the applicability call-out of

the existing AD relative to Serial Numbers 1451 and up equipped with hoppers, P/N 13733, does not include all such aircraft.

DATES: Effective date: December 8, 1978. Compliance required as indicated.

ADDRESSES: The applicable service information may be obtained from persons or offices noted in this AD.

FOR FURTHER INFORMATION CONTACT:

Milton G. Martin, Airframe Section, ASW-212, Engineering and Manufacturing Branch, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone 817-624-4911, extension 516.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3299, 43 FR 43292, AD 78-20-6, which currently requires inspections of wing struts carry-through tube and replacement as necessary on Aircraft Parts and Development Corporation (Callair) A-9 Series Airplanes (Serial Numbers 1451 and up) equipped with P/N 13733 hoppers. After issuing Amendment 39-3299, the FAA has determined that the applicability to Serial Numbers 1451 and up and to aircraft that have the P/N 13733 hoppers does not include all of these aircraft which have the wing struts carry-through tube running through the hopper and which are susceptible to corrosion and possible failure of the carry-through tube. Therefore, the FAA is amending Amendment 39-3299 by making the AD applicable to all Aircraft Parts and Development Corporation (Callair) A-9 Series Airplanes that have the wing strut carry-through tube running through the hopper.

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 Regulations is amended by amending Amendment 39-3299, 43 FR 43292, AD 78-20-06, as follows:

(1) By revising applicability statement to read: "AIRCRAFT PARTS AND DEVELOPMENT CORPORATION (CALLAIR). Applies to Models A-9, A-9A, and A-9B Airplanes which have the wing struts carry-through tube running through the hopper, certificated in all categories (Airworthiness Docket No. 78-ASW-52)."

(2) By revising the first sentence of the compliance paragraph to read, "Compliance required within the next 25 hours' time in service after the effective date of this AD except that aircraft added by Amendment 39-3356 must comply within the next 25 hours' time in service from the effective date of such amendment." By deleting the reference to "P/N 13733" in the second sentence.

(3) By deleting paragraph (a) in its entirety.

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

(b) Remove the hopper top and inspect for a fiberglas wrapped carry-through tube. The main carry-through tube if located in the hopper is located 25 inches aft of the hopper forward bulkhead and six inches below the hopper surface. Visually inspect the fiberglas wrapping for cracks.

This amendment becomes effective December 8, 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 Fort Worth, Texas, on November 17, 1978.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc. 78-33425 Filed 11-29-78; 8:45 am]

[4910-13-M]

[Docket No. 76-CE-32-AD; Amendment 39-3357]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 99 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters existing Airworthiness Directive (AD) 77-05-01, Amendment No. 39-2843, applicable to Beech 99 series airplanes by excluding those airplanes on which the wing and wing center section have been modified in accordance with Beech Kit No. 99-4023-1S. This amendment will reduce the present burden on owners/operators of affected airplanes without compromising safety.

EFFECTIVE DATE: November 17, 1978.

FOR FURTHER INFORMATION CONTACT:

William L. (Bud) Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, telephone 816-374-3446.

SUPPLEMENTARY INFORMATION: This amendment alters Amendment 39-2843 (42 FR 12163 through 12166), AD 77-05-01, applicable to Beech 99 series airplanes. The AD currently requires repetitive inspections of the wing front spar lower cap, associated components and wing remaining structure for cracks, accomplishment of appropriate corrective action if cracks are discovered and replacement of the spar caps when their fatigue life limits are attained. Subsequent to issuance of AD 77-05-01, Beech has developed and made available Wing and Carry-through Structural Modification Kit Number 99-4023-1S which includes structurally improved (1) wing outboard panels front spar, (2) carry-through front spar lower cap and, (3) carry-through rear spar lower cap reinforcement. The FAA has determined that the requirements made mandatory by AD 77-05-01 are no longer necessary to assure continued wing structural integrity after Beech Kit Number 99-4023-1S is installed. Therefore, the agency is altering Amendment 39-2843 by amending the AD applicability statement to exclude those airplanes which have Beech Kit Number 99-4023-1S installed.

Since this amendment is relieving in nature and imposes no additional burden on any person, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after the date of publication in the FEDERAL REGISTER.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Amendment 39-2843 (42 FR 12163 through 12166), AD 77-05-01 of Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended as follows:

(1) Delete the existing applicability statement and in its place add the following new applicability statement: "BEECH. Applies to all 99 (Serial Numbers U-1 and UP) series airplanes with 3,000 or more hours time-in-service except those airplanes which have Beech Wing Modification Kit No. 99-4023-1S installed."

This amendment becomes effective November 17, 1978.

(Secs. 313(a), 601 and 603 of the 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)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89).)

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, Missouri on November 17, 1978.

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

[FR Doc. 78-33266 Filed 11-29-78; 8:45 am]

[4910-13-M]

[Docket No. 78-NW-22-AD; Amdt. 39-3355]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This airworthiness directive (AD) requires inspections for interference between the escape slide girt bar and the mid-cabin galley door on Boeing Model 727 airplanes identified in the AD. The need for this AD was revealed when one operator experienced difficulty in opening the door during an emergency evacuation. Subsequent inspection by the operator revealed the problem existed on 38 out of 57 airplanes checked.

DATES: Effective date December 1, 1978.

ADDRESS: Boeing service bulletins specified in this directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION, CONTACT:

William M. Perrella, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108. Telephone (206) 767-2516.

SUPPLEMENTAL INFORMATION: During an evacuation of a Boeing Model 727 passenger airplane, a flight attendant could not open the mid-cabin galley door. The door became jammed before she could complete the rotary motion of the operating handle. When two passengers assisted in operating the handle, the door was successfully opened and the escape slide deployed. Subsequent investigation revealed that the escape slide girt bar interfered with the door, preventing the door from completing its initial inward motion. The girt bar floor brackets had been modified per Boeing Service Bulletin 727-25-126, Revision 1. This modification called for the replacement of aluminum floor brackets with improved steel brackets. These steel brackets, when installed on the airplane, increased the height of the engaged girt bar by approximately 0.25 inch. This results in a possible interference between the door and girt bar. If the door is not rigged properly or has worn parts, interference is probable. Interference can also occur with the aluminum brackets. Subsequent inspections by the operator revealed that 38 out of 57 of their airplanes had this problem. Since this condition is likely to exist or develop on other 727 and 727-100 series passenger airplanes, and on Model 727-51C airplanes, the airworthiness directive is being issued to require inspections of mid-cabin galley door operation with girt bar installed.

The technical aspects of this rule were coordinated with the Boeing Commercial Airplane Company and the operators through the Air Transport Association (ATA) prior to issuance.

ADOPTION OF THE AMENDMENT

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

BOEING: Applies to Boeing Model 727 and 727-100 series passenger airplanes, and Model 727-51C airplanes operating in the passenger mode. To detect possible interference between the mid-cabin galley door and the emergency escape slide girt bar, accomplish the following:

A. Within the next 300 flight hours time-in-service after the effective date of this AD or prior to January 1, 1979, whichever occurs first, unless accomplished within the last 1200 flight hours time-in-service, inspect the mid-cabin galley door for interference with the girt bar in accordance with Boeing Alert Service Bulletin 727-25-A247.

B. Doors with interference are to be reworked prior to further passenger flight in accordance with Boeing Alert Service Bulletin 727-25-A247.

C. Repeat inspections at intervals not to exceed 1,500 flight hours time-in-service or one (1) year from the last inspection, whichever occurs first.

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

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

(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; March 8, 1973.)

Issued in Seattle, Washington, on November 17, 1978.

J. H. TANNER,
Acting Director,
Northwest Region.

The incorporation by reference provisions in the document were approved by the Director of the FEDERAL REGISTER on June 19, 1967.

[FR Doc. 78-33268 Filed 11-29-78; 8:45 am]

[4910-13—M]

[Docket No. 75-WE-54-AD; Amdt. 39-3352]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-6 and DC-7 Series Airplanes Including Military Models

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) by providing relief to operators for aircraft modified for unpressurized flight. This amendment is needed because the FAA has determined that the repetitive inspection schedule specified in the AD may be extended when certain conditions are met.

DATE: Effective December 1, 1978.

ADDRESSES: The applicable service information may be obtained from:

McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training C1-750 (54-60).

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA 800 Independence Avenue SW., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Adminstration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6315.

SUPPLEMENTARY INFORMATION: Amendment 39-402, AD 67-13-02, requires repetitive external and internal inspections of fuselage structure in the area of the crew door on McDonnell Douglas DC-6 and 7 series airplanes. After issuing Amendment 39-402, the FAA has determined that certain repetitive inspections required by the AD may be discontinued upon completion of the required initial inspections and repairs for cracks, provided that the cabin pressurization system is deactivated and alternate inspections are accomplished.

The FAA, with the concurrence of the airplane manufacturer, has determined that since the high stress levels associated with pressurization and relatively rapid crack growth no longer exist in these aircraft, operated unpressurized, neither does the hazard of rapid decompression. Therefore a minimum level of safety can be maintained with a less restrictive inspection requirement. Modification of the pressurization system to take advantage of the relief provided by this amendment must be approved by the Chief, Aircraft Engineering Division, FAA Western Region, because of the special considerations necessary for extended unpressurized operations.

This AD has always been applicable to the military models of the DC-6, but some confusion has existed, therefore, the applicability is being clarified by adding the phrase—"including military models."

Similar amendments are also being made to AD's 54-23-01 and 67-05-02.

Since this amendment provides an alternate means of compliance and a clarification and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending Airworthiness Directive 67-13-02 as follows:

I. Amend the applicability statement by adding the following: * * * including military models.

II. Add new paragraphs (i), (j) and (k) as follows:

(i) Aircraft modified for unpressurized operations by a modification approved by the Chief, Aircraft Engineering Division, FAA Western Region in which the initial External and Internal inspections and required repair of cracks has been accomplished may:

(1) At intervals not to exceed 200 hours' time in service, in lieu of the repetitive inspection intervals of paragraph (g), inspect the areas specified in paragraph (c)(2) in accordance with an FAA approved maintenance program.

(2) Restoration of the cabin pressurization system to operational status negates the relief provided by paragraph (i).

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

(k) Special flight permits may be used in accordance with FAR 21.197 and 21.199 to operate airplanes without differential pressure, to a base for the accomplishment of inspections required by this AD.

This amendment become effective December 1, 1978.

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

Issued in Los Angeles, California on November 15, 1978.

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

[FR Doc. 78-33255 Filed 11-29-78; 8:45 am]

[4910-13-M]

[Docket No. 78-WE-16-AD; Amdt. 39-3353]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-6 Series Airplanes Including Military Models

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) by providing relief to operators for aircraft modified for unpressurized flight. This amendment is needed because the FAA has determined that the repetitive inspection schedule specified in the AD may be extended when certain conditions are met.

DATE: Effective December 1, 1978.

ADDRESSES: The applicable service information may be obtained from:

McDonnell Douglas Corporation, 3855 Lakewood Blvd., Long Beach, California 90846, Attn: Director, Publications and Training, C1-750, (54-60).

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: This amendment amends Airworthiness Directive 54-23-01, which requires repetitive inspections and repair of failures of the fuselage structure in the propeller plane areas unless rework is accomplished in accordance with appropriate Douglas service bulletins. After issuing AD 54-23-01, the FAA has determined that certain repetitive inspections required by this AD may be discontinued after completion of the required initial inspections and rework, provided that the cabin pressurization system is deactivated and alternate inspections are accomplished.

The FAA, with the concurrence of the airplane manufacturer, has determined that since the high stress levels associated with pressurization and relatively rapid crack growth no longer exist in these aircraft, operated unpressurized, neither does the hazard of rapid decompression. Therefore, a minimum level of safety can be maintained with a less restrictive inspection requirement. Modification of the pressurization system to take advantage of the relief provided by this amendment must be approved by the Chief, Aircraft Engineering Division, FAA Western Region, because of the special considerations necessary for extended unpressurized operations.

This AD has always been applicable to the military models of the DC-6, but some confusion has existed, therefore, the applicability is being clarified by adding the phrase—"including military models."

Similar amendments are also being made to AD's 61-05-02 and 67-13-02.

Since this amendment provides an alternate means of compliance and clarification and imposes no additional burden on any person, notice of public procedure hereon are unnecessary, and the amendment may be made effective in less than thirty days.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending Airworthiness Directive 54-23-01 as follows:

I. Amend the applicability statement by adding the following: * * * including military models.

II. Amend the last line of paragraph 3 as follows: * * * items 1, 2 and 4 may be discontinued.

III. Add new paragraphs 4, 5 and 6 as follows:

4.(a) Aircraft modified for unpressurized operations by a modification approved by the Chief, Aircraft Engineering Division, FAA Western Region, and in which the initial inspections and rework, if required, have been accomplished in accordance with paragraphs 1 and 2 may:

(b) At intervals not to exceed 200 hours' time in service, in lieu of the time intervals of paragraphs 1 and 2, inspect the area specified by paragraph 1(a) in accordance with an FAA approved maintenance program.

(c) If any skin cracks or evidence of structural softness is found, paragraph 1(c) must be accomplished.

(d) Restoration of the cabin pressurization system to operational status negates the relief provided by paragraphs 4(a) and 4(b).

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

6. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes without differential pressure, to a base for the accomplishment of inspections required by this AD.

This amendment becomes effective December 1, 1978.

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

Issued in Los Angeles, California on November 15, 1978.

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

[FR Doc. 78-33256 Filed 11-29-78; 8:45 am]

[4910-13-M]

[Docket No. 78-WE-17-AD; Amdt. 39-3354]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model-DC-6 Series and DC-7 Series Airplanes Including Military Models

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) by providing relief to operators for aircraft modified for unpressurized flight. This amendment is needed because the FAA has determined that the repetitive inspection schedule required by this AD may be amended when certain conditions are met.

DATES: Effective date December 1, 1978.

ADDRESSES: The applicable service information may be obtained from:

McDonnell Douglas Corporation, 3855 Lakewood Blvd., Long Beach, California 90846, Attention: Director, Publications and Training, C1-750, (54-60).

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: Amendment 259 of Part 507, AD 61-05-02 requires repetitive inspection of the emergency exit door hinges unless hinges are replaced with an improved type in accordance with appropriate Douglas Service Bulletins.

After issuing AD 61-05-02 the FAA has determined that certain requirements of the repetitive inspections required by this AD may be discontinued after completion of the initial inspections provided that the cabin pressurization system is deactivated and alternate inspections are accomplished.

The FAA, with the concurrence of the airplane manufacturer, has determined that since the high stress levels associated with pressurization and relatively rapid crack growth no longer exist in these aircraft, operated unpressurized, neither does the hazard of rapid decompression. Therefore a minimum level of safety can be maintained with a less restrictive inspection requirement. Modification of the pressurization system to take advantage of the relief provided by this amendment must be approved by the Chief, Aircraft Engineering Division, FAA Western Region, because of the special considerations necessary for extended unpressurized operations.

This AD has always been applicable to the military models of the DC-6, but some confusion has existed, therefore the applicability is being clarified by adding the phrase—"including military models."

Similar amendments are also being made to AD's 54-23-01 and 67-13-02.

Since this amendment provides an alternate means of compliance and a clarification and imposes no additional burden on any person, notice and public procedure hereon are not necessary and the amendment may be made effective in less than thirty days.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending Airworthiness Directive 61-05-02 as follows:

I. Amend the applicability statement by adding the following: * * * including military models.

II. Add new paragraphs (e), (f), and (g) as follows:

(e) Aircraft modified for unpressurized operations by a modification approved by the Chief, Aircraft Engineering Division, FAA Western Region, and in which the initial inspections required by paragraph (a), (b), (c), or (d) of this AD have been accomplished, may substitute the following in lieu of the use of a dye penetrant in accomplishing the inspections required by paragraphs (a), (b), (c), or (d):

1. At intervals not to exceed 200 hours' time in service, perform a visual inspection of all emergency exit door hinges and door skin recesses for cracks in accordance with an FAA approved maintenance program.

2. This adjusted inspection requirement does not void the requirement to replace the hinges in accordance with paragraph (b).

3. Restoration of the cabin pressurization system to operational status negates the relief provided by paragraph (e).

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

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes without differential pressure, to a base for the accomplishment of inspections required by this AD.

This amendment becomes effective December 1, 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 Los Angeles, California on November 15, 1978.

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

[FR Doc. 78-33260 Filed 11-29-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-CE-18]

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

Alteration of Control Zone and Transition Area at Kansas City, Mo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this amendment is to alter the control zone and the transition area at Kansas City, Missouri Downtown Airport since the airport name has been changed from Kansas City Municipal Airport, to update the description of the control zone and to provide additional controlled airspace for aircraft executing a new instrument approach procedure to Kansas City, Missouri Downtown Airport utilizing a VOR, a navigational aid.

EFFECTIVE DATE: February 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F, Section 71.171 of the Federal Aviation Regulations (14 CFR 71.171) and Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) is to alter the control zone and transition area at Kansas City, Missouri Downtown Airport. The City of Kansas City, Missouri has changed the name of the airport from Kansas City Municipal Airport to Kansas City, Missouri Downtown Airport. In addition, the existing control zone description needs to be updated. Finally, to enhance airport usage by providing additional instrument approach capability to the airport, a new instrument approach procedure has been developed utilizing a VOR, a navigational aid. These conditions require alteration of the control zone and transition area at Kansas City, Missouri Downtown Airport. The intended effect of the control zone action is as stated above. The intended effect of the transition area action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

DISCUSSION OF COMMENTS

On pages 38415 and 38416 of the FEDERAL REGISTER dated August 28, 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 Kansas City, Missouri. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposals to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, 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 GMT February 22, 1979, by altering the following control zone:

KANSAS CITY, MO.

Within a 5-mile radius of the Kansas City Downtown Airport (latitude 39°07'20.7" N., longitude 94°35'30" W.) within 1.5 miles each side of the Riverside, Missouri VOR 043° radial extending from the 5-mile radius zone to 6 miles northeast of the VOR, within 1.5 miles each side of the Riverside, Missouri VOR 219° radial extending from the 5-mile radius zone to 6 miles southwest of the VOR, and within 2 miles each side of the Riverside, Missouri VOR 013° radial extending from the 5-mile radius zone to 10.5 miles north of the VOR, excluding that area which overlies the Kansas City, Missouri International Airport control zone.

Accordingly, 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 GMT February 22, 1979, by altering the following transition area:

KANSAS CITY, MO.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Kansas City Downtown Airport (latitude 39°07'20.7" N., longitude 94°35'30" W.) within 4.5 miles each side of the Riverside VOR 212° radial extending from the 10-mile radius area to 12.5 miles southwest of the Downtown Airport, within a 9.5-mile radius of the Sherman AAF (latitude 39°22'15" N., longitude 94°54'45" W.) within an 8.5-mile radius of the Kansas City International Airport (latitude 39°17'50.8" N., longitude 94°42'54.6" W.) within 5 miles each side of the Runway 19 ILS localizer north course extending from the 8.5-mile radius area to 25 miles north of the Wyandotte LOM, within 5 miles each side of the Kansas City VORTAC 096° radial extending from the 8.5-mile radius area to 11.5 miles east of the VORTAC, and within 5 miles each side of the Runway 1 ILS localizer south course extending from the 8.5-mile radius area to 11 miles south of the Wyandotte 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)); 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, Missouri November 15, 1978.

JOHN E. SHAW,
Acting Director, Central Region.

[FR Doc. 78-33264 Filed 11-29-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-CE-21]

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

Alteration of Transition Area—Kirksville, Mo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the 700-foot transition area at Kirksville, Missouri to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Clarence Cannon Memorial Airport, which is based on a new localizer and outer marker being installed at the airport.

EFFECTIVE DATE: February 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION: A new instrument approach procedure to the Clarence Cannon Memorial Airport, Kirksville, Missouri is being established based on a localizer and outer marker navigational aids being installed at the airport. The establishment of an instrument approach procedure based on these navigational aids entails alteration of the transition area at and above 700 feet above ground level (AGL) within which aircraft will be provided additional controlled airspace protection. The intended effect of this action is to ensure segregation of aircraft using the new instrument approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

DISCUSSION OF COMMENTS

On pages 38416 and 38417 of the FEDERAL REGISTER dated August 28, 1978, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Kirksville, Missouri. 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, 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 GMT February 22, 1979, by altering the following transition area:

KIRKSVILLE, MO.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Clarence Cannon Memorial Airport (latitude 40°05'33" N., longitude 92°32'41" W.), within 3 miles each side of the Kirksville, Missouri VORTAC 320° radial extending from the 6½-mile radius area to 8 miles northwest of the VORTAC, and within 5 miles each side of the 180° bearing from the Clarence Cannon Memorial Airport extending from the 6½-mile radius area to 13½ miles south of the airport.

(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, Missouri November 15, 1978.

JOHN E. SHAW,
Acting Director, Central Region.

[FR Doc. 78-33263 Filed 11-29-78; 8:45 am]

[4910-13-M]

[Airspace Docket No. 77-GL-23]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of a Jet Route and Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments extend two federal airways and one jet route identified as V-148, V-345 and J-89 and realign a segment of Federal Airway V-177. A review of the airway structure in the vicinity of Duluth, Minn., indicated a need for these changes in the airway and jet route structures. These actions provide for the safe and efficient use of the navigable airspace.

EFFECTIVE DATE: February 22, 1979.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On August 11, 1977, the FAA published for comment a proposal to amend Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to extend three federal airways and one jet route identified as V-148, V-224, V-345 and J-89, and also modify a segment of Federal Airway V-177 (42 FR 40711). Subsequent to the publication of the proposal, the Marquette, Mich., VORTAC, an air navigation aid, was accidentally destroyed by fire. For this reason the proposal to extend V-224 is omitted from these amendments and any airspace action predicated on a new VORTAC will be the subject of separate airspace dockets. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. The three comments received expressed no objections to the actions contained herein. These actions are the same as proposed in the notice with the exception of the extension of V-224. Sections 71.123 and 75.100 were published in the FEDERAL REGISTER on January 3, 1978 (43 FR 307 and 714).

THE RULE

These amendments to Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) make the following changes: (1) Extends V-148 from over Minneapolis, Minn., VOR direct to Hayward, Wis., TVOR direct to the Ironwood, Mich., VOR. This action will provide a nonradar route between Minneapolis, Minn., and Ironwood, Mich.; (2) extends V-345 from over Eau Claire, Wis., VOR via the 357°(M) radial and the Hayward, Wis., TVOR 178°(M) radial to the Hayward TVOR, direct to the Ashland, Wis., TVOR. This action will provide a nonradar route between Eau Claire and Ashland, Wis.; (3) extends J-89 from over Duluth, Minn., VOR direct to the Winnipeg, Manitoba, Canada, VOR. This action will provide a direct route between Duluth and Winnipeg; (4) deletes the existing segment of V-177 from the intersection of the Duluth, Minn., VOR 131°(M) radial and the Wausau, Wis., VOR 316°(M) radial to the Wausau VOR and redesignates the existing west alternate (V-177W) between Duluth and Wausau via Hayward, Wis., as V-177. This action will improve and help to expedite the movement of IFR traffic.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 and § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as republished (43 FR 307 and 714) and amended (43 FR 19212 and 39754) is further amended, effective 0901 GMT, February 22, 1979, as follows:

1. In § 71.123: a. Under V-148 "Minn." is deleted and "Minn.; Hayward, Wis.; to Ironwood, Mich." is substituted therefor.

b. Under V-177 "Duluth, Minn., including a west alternate via Hayward, Wis.;" is deleted and "Hayward, Wis.; Duluth, Minn.;" is substituted therefor.

c. Under V-345 "to Eau Claire" is deleted and "Eau Claire; INT of Eau Claire 001° and Hayward, Wis., 181° radials; Hayward; to Ashland, Wis." is substituted therefor.

2. In § 75.100: Under J-89 ", to Duluth, Minn." is deleted and "; Duluth, Minn.; to Winnipeg, Manitoba, Canada. The portion within Canada is excluded." is substituted therefor.

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

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

Issued in Washington, D.C., on November 21, 1978.

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

[FR Doc. 78-33265 Filed 11-29-78; 8:45 am]

[4910-13-M]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 18460; Amdt. No. 95-282]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: December 28, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provides for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

ADOPTION OF THE AMENDMENT

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t., December 28, 1978. [Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 25 FR 6489 and Paragraph 802 of Order FSP 1100.1, as amended March 9, 1973.]

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

Issued in Washington, D.C. on November 20, 1978.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc. 78-33267 Filed 11-29-78; 8:45 am]

[4910-13-C]

§95.48 GREEN FEDERAL AIRWAY 8
is amended to read in part:

FROM	TO	MEA
King Salmon, Alas. NDB	Kachemak, Alas. NDB	6000

§95.299 RED FEDERAL AIRWAY 99
is amended to read in part:

FROM	TO	MEA
Iliamna, Alas. VOR	Kachemak, Alas. NDB	6000

§95.1001 DIRECT ROUTES-U.S.
is amended by adding:

FROM	TO	MEA
Ardmore, Okla. VOR	Oklahoma City, Okla. VOR	3000
Kwang INT, Calif.	Camarillo, Calif. VOR	3600
Ginna INT, Calif.	Camarillo, Calif. VOR	4000
Lynchburg, Va. VOR	Casanova, Va. VOR	6000
Mufla INT, N.J.	Yardley, Pa. VOR	5000

§95.1001 DIRECT ROUTES-U.S.
is amended to read in part:

Pottstown, Pa. VOR	Boyer INT, Pa.	5000 MAA-7000

§95.1001 DIRECT ROUTES-U.S.
is amended to delete:

Surfs INT, Colo.	Kiowa, Colo. VOR E-bound only	10000
Union INT, S.C. *2200-MOCA	Charlotte, N.C. VOR	*3000

Panama Routes

FROM	TO	MEA
Amber 1 is amended to read:		
Mala INT, R.P. *2100-MOCA	Taboga Island, R.P. NDB	*3000
Taboga Island, R.P. NDB	Bagre INT, R.P.	5000
Bagre INT, R.P. *1200-MOCA	Bufeo INT, R.P.	*5000
Amber 2 is amended to read:		
Tucuri INT, R.P.	Punta Brava INT, R.P.	9000
Punta Bravo INT, R.P. *6000-MOCA	Taboga Island, R.P. NDB	*7000
Taboga Island R.P. NDB *7500-Rio Hato INT, SW-bound **2700-MOCA	*Rio Hato INT, R.P.	**5000
Rio Hato INT, R.P. *4400-MOCA	Santiago INT, R.P.	*11000
Santiago INT, R.P. *5800-MOCA	Cantu INT, R.P.	*11000
Cantu INT, R.P. *2800-MOCA	David, R.P. NDB	*11000
David, R.P. NDB *2100-MOCA	Porton INT, R.P.	*15000
Amber 9 is amended to read:		
Roca INT, R.P. *2100-MOCA	Taboga Island, R.P. NDB	*3000
Taboga Island, R.P. NDB *3900-MOCA	Morales INT, R.P.	*5000
Morales INT, R.P. *1200-MOCA	Watson INT, R.P.	*3000
Watson INT, R.P.	San Andres, Columbia NDB	1500
San Andres, Columbia NDB	Mora INT, R.P.	1500
Mora INT, R.P. *1200-MOCA	Pollera INT, R.P.	*3000
Amber 12 is amended to read:		
Lenguado INT, R.P. *1200-MOCA	Carpa INT, R.P.	*3000
Carpa INT, R.P. *2100-MOCA	Taboga Island, R.P. NDB	*3000
Taboga Island, R.P. NDB *3900-MOCA	Morales INT, R.P.	*5000
Morales INT, R.P. *1200-MOCA	Watson INT, R.P.	*3000
Watson INT, R.P. San Andres, Columbia NDB	San Andres, Columbia NDB Oliver INT, R.P.	*3000
Green 4 is amended to read:		
Taboga Island, R.P. NDB	Pampano INT, R.P.	4000
Pampano INT, R.P. *1200-MOCA	Bojala INT, R.P.	*4000
Red 7 is amended to read:		
Taboga Island, R.P. NDB	Aguja INT, R.P.	6000
Blue 8 is added to read:		
Taboga Island, R.P. NDB	Marina INT, R.P.	5000
Marina INT, R.P. *1200-MOCA	Dixon INT, R.P.	*3000
Blue 10 is amended to read:		
Cupe INT, R.P.	La Palma, R.P. VOR	9000
La Palma, R.P. VOR	Taboga Island, R.P. NDB	3000
Taboga Island, R.P. NDB	Mako INT, R.P.	5000
Mako INT, R.P. *1200-MOCA	Colby INT, R.P.	*3000
Blue 11 is amended to read:		
Taboga Island, R.P. NDB	Concha INT, R.P.	5000
Concha INT, R.P. *1200-MOCA	Crawford INT, R.P.	*3000
V-3 is amended to read in part:		
Taboga Island, R.P. VOR	Chorrera INT, R.P.	2700
V-11 is amended to read in part:		
David, R.P. VOR	*Lorenzo INT, R.P.	3000
*4000-MCA Lorenzo INT, E-bound		
Lorenzo INT, R.P.	Santingo, R.P. VOR	4000
Santingo, R.P. VOR	Bejuco INT, R.P.	5000
*Bejuco INT, R.P.	Taboga Island, R.P. VOR	2100
*3800-MCA Bejuco INT, SW-bound		
V-11A is amended to read in part:		
David, R.P. VOR	*Corchita INT, R.P.	2000
*6000-MCA Corchita INT, E-bound		
Corchita INT, R.P.	*Madera INT, R.P.	6000
*10500-MCA Madera INT, E-bound		
Madera INT, R.P.	Ciri INT, R.P	10500
Ciri INT, R.P.	*La Mitra INT, R.P.	6000
*3800-MCA La Mitra INT, SW-bound		
La Mitra INT, R.P.	Taboga Island, R.P. VOR	2100
V-12 is amended to read in part:		
Bocas Del Toro, R.P. VOR	Gorda INT, R P	1500
Gorda INT, R.P.	Santa Cruz INT, R.P.	6000
V-13 is amended to read in part:		
Santiago, R.P. VOR *3000-MRA	*Chitre INT, R.P.	2500
V-14 is amended to read:		
Taboga Island, R.P. VOR	Diego INT, R P	2100
Diego INT, R.P.	La Palma, R.P. VOR	3000
V-15 is amended to read:		
David, R.P. VOR	*Dos Rios INT, R.P.	2500
*5000-MCA Dos Rios INT, NE-bound		
Dos Rios INT, R.P.	*Sombrero INT, R.P.	5000
*9000-MCA Sombrero INT, NE-bound		
Sombrero INT, R.P.	Reyna INT, R P	9000
Reyna INT, R.P.	Garzon INT, R.P.	5000
Garzon INT, R.P.	Bocas Del Toro, R.P. VOR	2500

V-16 is amended to read:

Bocas Del Toro, R.P. VOR	Dora INT, R.P.	1500
Dora INT, R.P.	Arenosa INT, R.P.	7000
Arenosa INT, R.P.	Tocumen, R.P. VOR	3000
Tocumen, R.P. VOR	*Mulatupo INT, R.P.	9500
*9500–MRA		
Mulatupo INT, R.P.	La Palma, R.P. VOR	6000

V-17 is amended to read:

David, R.P. VOR	*Rincom INT, R.P.	2500
*6000–MCA Rincom INT, N-bound		
Rincom INT, R.P.	*Nance INT, R.P.	6000
*9600–MCA Nance INT, N-bound		
Nance INT, R.P.	*Mango INT, R.P.	9600
*9600–MCA Mango INT, S-bound		
Mango INT, R.P.	*Lobo INT, R.P.	6000
*6000–MCA Lobo INT, S-bound		
Lobo INT, R.P.	Bocas Del Toro, R.P. VOR	2500

V-18 is amended to read:

Tocumen, R.P. VOR	La Palma, R.P. VOR	4000
La Palma, R.P. VOR	Jaque INT, R.P.	8000

V-19 is amended to read:

David, R.P. VOR	Coiba INT, R.P.	3000
Coiba INT, R.P.	Santiago, R.P. VOR	3500
Santiago, R.P. VOR	Rio Hato INT, R.P.	2500
Rio Hato INT, R.P.	*Chame INT, R.P.	3700
*3200–MCA Chame INT, SW-bound		
Chame INT, R.P.	Tabogo Island, R.P. VOR	2100

V-20 is amended to read in part:

Punta Cocos INT, R.P.	*Jaque INT, R.P.	10000
*10000–MRA		

V-24 is amended to read:

Punta Cocos INT, R.P.	La Palma, R.P. VOR	3000

V-29 is amended to read:

Bocas Del Toro, R.P. VOR	Tigre INT, P.R.	1500
Tigre INT, R.P.	Masueto INT, R.P.	5000
Masueto INT, R.P.	France, C.Z. VOR	3000
France, C.Z. VOR	Mandinga INT, R.P.	8000

§95.5000 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J-889R is added to read:						
Nowell, Alas. W/P	79	10	Nowell	085/265 to COP	18000	45000
Arise, Alas. W/P				085/265 to Arise		
Arise, Alas. W/P	70				18000	45000
Konks, Alas. W/P				086/266 to Konks		
Konks, Alas. W/P	116	40	Konks	086/266 to COP	18000	45000
Killa, Alas. W/P				088/268 to Killa		

§95.5500 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J-997R is added to read:						
Nowell, Alas. W/P	79	10	Nowell	092/272 to COP	18000	45000
Tonts, Alas. W/P				092/272 to Tonts		
Tonts, Alas. W/P	219	120	Tonts	092/272 to COP	18000	45000
Dunks, Alas. W/P				096/276 to Dunks		
Dunks, Alas. W/P	131	47	Dunks	098/278 to COP	18000	45000
Holli, Alas. W/P				101/281 to Holli		
Holli, Alas. W/P	188	135	Holli	105/285 to COP	18000	45000
Mocha, Alas. W/P				108/288 to Mocha		

§95.6004 VOR FEDERAL AIRWAY 4
is amended to read in part:

FROM	TO	MEA
Flems INT, Wyo.	Libel INT, Colo.	12000
Libel INT, Colo.	Cager INT, Colo.	10000
*Cager INT, Colo.	Denver, Colo. VOR	7200
*7800–MCA Cager INT, N-bound		
Flems INT, Wyo.	Luske INT, Colo.	
Via N alter.	Via N alter.	10000
Denver, Colo. VOR	Byers INT, Colo.	8500
Byers INT, Colo.	Thurman, Colo. VOR	8000

§95.6005 VOR FEDERAL AIRWAY 5
is amended to delete:

FROM	TO	MEA
Alms, Ga. VOR	Vienna, Ga. VOR	
Via W alter.	Via W alter.	2000
Vienna, Ga. VOR	Macon, Ga. VOR	
Via W alter.	Via W alter.	2000
Macon, Ga. VOR	Norcross, Ga. VOR	
Via W alter.	Via W alter.	*4500
*3200–MOCA		MAA–7000
Norcross, Ga. VOR	Nello INT, Ga.	
Via W alter.	Via W alter.	5400
		MAA–7000

§95.6005 VOR FEDERAL AIRWAY 5
is amended to read in part:

Cincinnati, Ohio VOR	Mason INT, Ohio	2800

§95.6007 VOR FEDERAL AIRWAY 7
is amended to read in part:

FROM	TO	MEA
Ft. Myers, Fla. VOR	Rinse INT, Fla.	
Via E alter.	Via E alter.	2000

§95.6008 VOR FEDERAL AIRWAY 8
is amended to read in part:

FROM	TO	MEA
Kremmling, Colo. VOR	*Surfs INT, Colo.	15300
*13300–MCA Surfs INT, W-bound		
Surfs INT, Colo.	Denver, Colo. VOR	9500
Denver, Colo. VOR	Akron, Colo. VOR	8000
Sprit INT, Neb.	Grand Island, Neb. VOR	
Via S alter.	Via S Alter.	*5000
*3700–MOCA		
Traci INT, Colo.	Paces INT, Colo.	
Via S Alter.	Via S alter.	*11000
*9700–MOCA		
Paces INT, Colo.	Gleno INT, Colo.	
Via S alter.	Via S alter.	13000

§95.6019 VOR FEDERAL AIRWAY 19
is amended to read in part:

FROM	TO	MEA
Denver, Colo. VOR	Wenny INT, Colo.	7000
Wenny INT, Colo.	Nunns INT, Colo.	8500

§95.6068 VOR FEDERAL AIRWAY 68
is amended to read in part:

FROM	TO	MEA
Junction, Tex. VOR	Dossy INT, Tex.	3800
Dossy INT, Tex.	Curds INT, Tex.	*4000
*3300–MOCA		
Curds INT, Tex.	San Antonio, Tex. VOR	3500

§95.6081 VOR FEDERAL AIRWAY 81
is amended to read in part:

FROM	TO	MEA
Colorado Springs, Colo. VOR	Vince INT, Colo.	11000
Vince INT, Colo.	Foles INT, Colo.	10000

§95.6085 VOR FEDERAL AIRWAY 85
is amended to read in part:

FROM	TO	MEA
Drako INT, Colo.	*Benam INT, Colo.	11500
*15000–MCA Benam INT, NW-bound		

§95.6089 VOR FEDERAL AIRWAY 89
is amended to read in part:

FROM	TO	MEA
Denver, Colo. VOR	Wenny INT, Colo.	7000
Wenny INT, Colo.	Nunns INT, Colo.	8500

§95.6121 VOR FEDERAL AIRWAY 121
is amended to read in part:

FROM	TO	MEA
Mobil INT, Ore.	Mante INT, Ore.	
Via N alter.	Via N alter.	
	SW-bound	8000
	NE-bound	10000
Mante INT, Colo.	Redmond, Ore. VORTAC	
Via N alter.	Via N alter.	10000

§95.6132 VOR FEDERAL AIRWAY 132
is amended to read in part:

FROM	TO	MEA
Rayme INT, Colo.	Akron, Colo. VORTAC	6600

§95.6160 VOR FEDERAL AIRWAY 160
is amended to read in part:

FROM	TO	MEA
Denver, Colo. VOR	Rayme INT, Colo.	*9000
*7000–MOCA		
Rayme INT, Colo.	Sidney, Neb. VOR	7000

§95.6171 VOR FEDERAL AIRWAY 171
is amended to read in part:

FROM	TO	MEA
Alexandria, Minn. VOR	Starr INT, Minn.	*3500
*2900–MOCA		

§95.6198 VOR FEDERAL AIRWAY 198
is amended to read in part:

FROM	TO	MEA
Junction, Tex. VOR	Dossy INT, Tex.	3800
Dossy INT, Tex.	Curds INT, Tex.	*4000
*3300–MOCA		
Curds INT, Tex.	San Antonio, Tex. VOR	3500

§95.6207 VOR FEDERAL AIRWAY 207
is amended to read in part:

FROM	TO	MEA
Denver, Colo. VOR	Wenny INT, Colo.	
Via W alter.	Via W alter.	7000
Wenny INT, Colo.	Int. 221 M rad Gill VOR & 352 M rad Denver VOR	
Via W alter.	Via W alter.	8500
Int. 221 M rad Gill VOR & 352 M rad Denver VOR	Gill, Colo. VOR	
Via W alter.	Via W alter.	
	SW-bound	8500
	NE-bound	7000

§95.6220 VOR FEDERAL AIRWAY 220

is amended to read in part:

FROM	TO	MEA
McCook, Neb. VOR	Sprit INT, Neb.	*5000
*4000–MOCA		
Sprit INT, Neb.	Kearney, Neb. VOR	*5000
*3700–MOCA		
Flats INT, Colo.	Keann INT, Colo.	8500
Keann INT, Colo.	Wiggi INT, Colo.	9500

§95.6293 VOR FEDERAL AIRWAY 293

is amended to read in part:

FROM	TO	MEA
Twin Falls, Ida. VOR	Goode INT, Ida.	6000
*6200–MCA Twin Falls VOR, S-bound		
Goode INT, Ida.	*Torin INT, Ida.	6600
*8700–MCA Torin INT, NW-bound		
Torin INT, Ida.	Derso INT, Ida.	
	NW-bound	11500
	SE-bound	9200
Derso INT, Ida.	McCall, Ida. VOR	11700

§95.6321 VOR FEDERAL AIRWAY 321

is amended to read in part:

FROM	TO	MEA
Albany, Ga. VOR	Abbott ING, Ga.	2000
Abbott INT, Ga.	*Prest INT, Ga.	2500
*5000–MCA Prest INT, NW-bound		

§95.6328 VOR FEDERAL AIRWAY 328

is amended to read in part:

FROM	TO	MEA
Kremmling, Colo. VOR	Shrew INT, Colo.	17000
Shrew INT, Colo.	*Byson INT, Colo.	16000
*13900–MCA Byson INT, SW-bound		
Byson INT, Colo.	*Troze INT, Colo.	13000
*9600–MCA Troze INT, SW-bound		

§95.6356 VOR FEDERAL AIRWAY 356

is amended to read:

FROM	TO	MEA
Cheyenne, Wyo. VOR	Gill, Colo. VOR	8500
Gill, Colo. VOR	Wiggi INT, Colo.	7500

§95.6361 VOR FEDERAL AIRWAY 361

is amended to read in part:

FROM	TO	MEA
*Luske INT, Colo.	Cheyenne, Wyo. VOR	9000
*10300–MCA Luske INT, SW-bound		

§95.6362 VOR FEDERAL AIRWAY 362

is amended by adding:

FROM	TO	MEA
Alma, Ga. VOR	Vienna, Ga. VOR	2000
Vienna, Ga. VOR	Macon, Ga.	2000
Macon, Ga. VOR	Norcross, Ga. VOR	*4500
*3000–MOCA		
Norcross, Ga. VOR	Nello INT, Ga.	4900
Nello INT, Ga.	*Hoche INT, Ga.	5600
*4000–MCA Hoche INT, SE-bound		
Hoche INT, Ga.	Chattanooga, Tenn. VOR	3000
Chattanooga, Tenn. VOR	Shelbyville, Tenn. VOR	*4000
*3300–MOCA		
Shelbyville, Tenn. VOR	Nashville, Tenn. VOR	*3000
*2500–MOCA		
Nashville, Tenn. VOR	Bridy INT, Tenn.	3000
Bridy INT, Tenn.	Bowling Green, Ky. VOR	*3000
*1500–MOCA		

§95.6506 VOR FEDERAL AIRWAY 506

is amended to read in part:

FROM	TO	MEA
Kodiak, Alas. VOR	Baily DME Fix, Alas.	*6000
*4900–MOCA		
Baily DME Fix, Alas.	Bruce DME Fix, Alas.	*#10000
*9700–MOCA		
#MEA is established with a gap in navigation signal coverage		
*Bruce DME Fix, Alas.	King Salmon, Alas. VORTAC	**5000
*7000–MCA Bruce DME Fix, E-bound		
**4400–MOCA		

§95.7002 JET ROUTE NO. 2 is amended to delete:

FROM	TO	MEA	MAA
New Orleans, La. VORTAC	Crestview, Fla. VORTAC	18000	45000

§95.7002 JET ROUTE NO. 2 is amended by adding:

FROM	TO	MEA	MAA
New Orleans, La. VORTAC	Semmes, Ala. VORTAC	18000	45000
Semmes, Ala. VORTAC	Crestview, Fla. VORTAC	18000	45000

§95.7010 JET ROUTE NO. 10 is amended to read in part:

FROM	TO	MEA	MAA
Gunnison, Colo. VORTAC	Acree INT, Colo.	18000	45000
Acree INT, Colo.	Shrew INT, Colo.	18000	45000
Denver, Colo. VORTAC	North Platte, Neb. VORTAC	18000	45000

§95.7017 JET ROUTE NO. 17 is amended to read in part:

FROM	TO	MEA	MAA
Denver, Colo. VORTAC	Rapid City, S.D. VORTAC	21000	45000

§95.7034 JET ROUTE NO. 34 is amended to delete:

FROM	TO	MEA	MAA
Bellaire, Ohio VORTAC	Jefeo INT, W. VA.	18000	45000
Jefeo INT, W.VA.	Int 108 M rad Bellaire VORTAC & 073 M rad Front Royal VORTAC	23000	45000

§95.7034 JET ROUTE NO. 34 is amended by adding:

FROM	TO	MEA	MAA
Bellaire, Ohio VORTAC	Martinsburg, W.VA. VORTAC	18000	45000

§95.7060 JET ROUTE NO. 60 is amended to read in part:

FROM	TO	MEA	MAA
Grand Junction, Colo. VORTAC	Denver, Colo. VORTAC	19000	45000

§95.7073 JET ROUTE NO. 73 is amended to read in part:

FROM	TO	MEA	MAA
Tallahasse, Fla. VORTAC	LaGrange, Ga. VORTAC	18000	45000
LaGrange, Ga. VORTAC	Nashville, Tenn. VORTAC	18000	45000

§95.7080 JET ROUTE NO. 80 is amended to read in part:

FROM	TO	MEA	MAA
Grand Junction, Colo. VORTAC	Denver, Colo. VORTAC	19000	45000

§95.7099 JET ROUTE NO. 99 is amended to read:

FROM	TO	MEA	MAA
Augusta, Ga. VORTAC	Knoxville, Tenn. VORTAC	18000	45000
Knoxville, Tenn. VORTAC	Louisville, Ky. VORTAC	18000	45000

§95.7114 JET ROUTE NO. 114 is amended to read in part:

FROM	TO	MEA	MAA
Denver, Colo. VORTAC	Int. 046 M rad Denver VORTAC & 249 M rad North Platte VORTAC	18000	45000
Int 046 M rad Denver VORTAC & 249 M rad North Platte VORTAC	O'Neill, Neb. VORTAC	#25000	45000

#MEA is established with a gap in navigation signal coverage

§95.7130 JET ROUTE NO. 130 is amended to read in part:

FROM	TO	MEA	MAA
Int 075 M rad Grand Junction VORTAC & 243 M rad Kiowa VORTAC	Byson INT, Colo.	18000	45000

§95.7157 JET ROUTE NO. 157 is amended to read in part:

FROM	TO	MEA	MAA
Keann INT, Colo.	Scottsbluff, Neb. VORTAC	18000	45000

§95.7172 JET ROUTE NO. 172 is amended to read in part:

FROM	TO	MEA	MAA
Keann INT, Colo.	Sidney, Neb. VORTAC	18000	45000

2. By amending Sub-part D as follows:

§95.8003 FEDERAL AIRWAY CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE	FROM
V-81 is amended by adding:			
Colorado Springs, Colo. VOR	Denver, Colo. VOR	17	Colorado Springs
V-134 is amended to read in part:			
Grand Junction, Colo. VOR	Denver, Colo. VOR	120	Grand Junction
V-170 is amended by adding:			
Pullman, Mich. VOR	Salem, Mich. VOR	61	Pullman

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE	FROM
J-24 is amended by adding:			
Hugo, Colo. VORTAC	Hays, Kans. VORTAC	80	Hugo
J-60 is amended by adding:			
Grand Junction, Colo. VORTAC	Denver, Colo. VORTAC	120	Grand Junction
J-80 is amended by adding:			
Grand Junction, Colo. VORTAC	Denver, Colo. VORTAC	120	Grand Junction
J-116 is amended by adding:			
Meeker, Colo. VORTAC	Denver, Colo. VORTAC	77	Meeker
J-523 is amended to delete:			
Seattle, Wash. VORTAC	Neah Bay, Wash. NDB	40	Seattle

[4910-13-M]

[Docket No. 18462; Amdt. No. 1125]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

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

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

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

FOR EXAMINATION

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

FOR PURCHASE

Individual SIAP copies may be obtained from:

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

BY SUBSCRIPTION

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT:

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

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

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

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

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

** * * Effective February 22, 1979*

Beckley, WV—Raleigh County Memorial, VOR/DME Rwy 01, Original

** * * Effective January 25, 1979*

Bermuda Dunes, CA—Bermuda Dunes, VOR Rwy 29, Orig., cancelled
Auburn IN—Auburn-DeKalb, VOR Rwy 9 Amdt. 5
Auburn, IN—Auburn-DeKalb, VOR-A, Amdt. 6
New Castle, IN—New Castle-Henry County Municipal, VOR Rwy 27, Amdt. 4
Allegan, MI—Padgham Field, VOR Rwy 28, Amdt. 6
Manistee, MI—Manistee County-Blacker, VOR Rwy 9, Amdt. 5
Manistee, MI—Manistee County-Blacker, VOR Rwy 27, Amdt. 5
Monroe, MI—Custer, VOR Rwy 20, Amdt. 3
South Haven, MI—South Haven Municipal, VOR Rwy 22, Amdt. 5

** * * Effective January 11, 1979*

Winslow, AZ—Winslow Muni., VOR Rwy 11, Amdt. 1
West Memphis, AR—West Memphis, Muni., VOR/DME-A, Amdt. 2
Waterville, ME—Waterville Robert LaFleur, VOR/DME Rwy 5, Amdt. 2
Laurel, MS—Hesler-Noble Field, VOR Rwy 13, Amdt. 9
Charlotte, NC—Douglas Muni., VOR Rwy 36R, Orig.
Charlotte, NC—Douglas Muni., VOR Rwy 36R, Amdt. 8, cancelled
Butler, PA—Butler-Graham, VOR-A, Amdt. 4
Ponce, P.R—Mercedita, VOR Rwy 29, Amdt. 6
Spartanburg, SC—Spartanburg-Downtown Memorial, VOR Rwy 17, Amdt. 6
Chattanooga, TN—Lovell Field, VOR Rwy 32, Amdt. 12
Dumas, TX—Dumas Muni., VOR/DME-A, Amdt. 2
Stratford, TX—Stratford Field, VOR/DME-A, Amdt. 2
Big Piney, WY—Big Piney Municipal, VOR Rwy 31, Amdt. 2

** * * Effective December 28, 1978*

Alpena, MI—Phelps Collins, VOR Rwy 12 (TAC), Amdt. 8
Alpena, MI—Phelps Collins, VOR Rwy 18 (TAC), Amdt. 9
Alpena, MI—Phelps Collins, VOR Rwy 36 (TAC), Amdt. 10

* * * *Effective November 30, 1978*

Norfolk, NE—Karl Stefan Memorial, VOR Rwy 1, Amdt. 2
Norfolk, NE—Karl Stefan Memorial, VOR Rwy 13, Amdt. 2
Norfolk, NE—Karl Stefan Memorial, VOR Rwy 19, Amdt. 1
Norfolk, NE—Karl Stefan Memorial, VOR Rwy 31, Amdt. 6

* * * *Effective November 21, 1978*

Gaylord, MI—Otsego County, VOR Rwy 9, Amdt. 1, cancelled

* * * *Effective November 9, 1978*

Hopedale, MA—Hopedale-Draper, VOR-A, Amdt. 4

The FAA published an amendment in docket no. 18454, amdt. no. 1124 to Part 97 of the Federal Aviation Regulations (Vol. 43 FR No. 222 Page 53420; dated November 16, 1978) under § 97.23 effective December 28, 1978, which is hereby amended as follows: Gaylord, Miotsego County VOR Rwy 9 Amdt. 2 Is Rescinded.

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * *Effective December 28, 1978*

Chattanooga, TN—Lovell Field, LOC Rwy 2, Amdt. 1, cancelled
Springfield, VT—Springfield State-Hartness, LOC-A, Amdt. 2
Springfield, VT—Springfield State-Hartness, LOC/DME Rwy 5, Original

* * * *Effective November 30, 1978*

Norfolk, NE—Karl Stefan Memorial, LOC Rwy 1, Original

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective February 22, 1979*

Vernon, TX—Wilbarger County, NDB Rwy 20, Original
Osceola, WI—Osceola Municipal, NDB Rwy 28, Amdt. 5

* * * *Effective January 25, 1979*

Adrian, MI—The Lenawee County, NDB Rwy 5, Amdt. 4
Utica, MI—Berz-Macomb, NDB Rwy 22, Amdt. 1
West Branch, MI—West Branch Community, NDB Rwy 27, Amdt. 3
New Castle, IN—New Castle-Henry County Municipal, NDB Rwy 9, Amdt. 2
New Castle, IN—New Castle-Henry County Municipal, NDB Rwy 27, Amdt. 2

* * * *Effective January 11, 1979*

Reidsville, GA—Reidsville, NDB Rwy 11, Amdt. 2
Spirit Lake, IA—Spirit Lake Municipal, NDB Rwy 34, Original Waterville, ME—Waterville Robert LaFleuer, NDB Rwy 16, Amdt. 4
Spirit Lake, IA—Spirit Lake Municipal, NDB-A, Amdt. 8
Laurel, MS—Hesler-Noble Field, NDB Rwy 13, Amdt. 2
Greensboro, NC—Greensboro-High Point Winston Salem Regional, NDB Rwy 14, Amdt. 12
Butler, PA—Butler-Graham, NDB-B, Amdt. 2
Bennettsville, SC—Bennettsville, NDB-B, Rwy 6, Amdt. 1
Olney, TX—Olney Muni., NDB Rwy 17, Amdt. 1

* * * *Effective December 28, 1978*

Iliamna, AK—Iliamna, NDB Rwy 35, Amdt. 2
Alpena, MI—Phelps Collins, NDB Rwy 36, Amdt. 3
Omaha, NE—Eppley Airfield, NDB Rwy 14R, Amdt. 20
Springfield, VT—Springfield State-Hartness, NDB-A, Amdt. 2

The FAA published an amendment in Docket No. 18428, Amdt. No. 1123 to Part 97 of the Federal Aviation Regulations (Vol. 43 FR No. 215 Page 51614; dated November 6, 1978) under § 97.27 effective December 14, 1978, which is hereby amended as follows: Vivian, IA—Vivian, NDB Rwy 9, Amdt 1. Correct state code to read "LA".

The FAA published an amendment in Docket No. 18454, Amdt. No. 1124 to Part 97 of the Federal Aviation Regulations (Vol. 43 FR No. 222 Page 53420: dated Thursday, November 16, 1978) under § 97.27 effective January 11, 1979 which is hereby amended as follows: Cheraw, SC—Cheraw Muni., NDB Rwy 25 Amdt. 1 is rescinded.

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * *Effective January 11, 1979*

Augusta, GA—Bush Field, ILS Rwy 17, Amdt. 2
Greensboro, NC—Greensboro High Point Winston Salem Regional, ILS Rwy 14, Amdt. 14
Philadelphia, PA—Philadelphia International, ILS Rwy 9R, Amdt. 2
Galveston, TX—Scholes Field, ILS Rwy 13, Amdt. 3

* * * *Effective December 28, 1978*

Alpena, MI—Phelps Collins, ILS Rwy 36, Amdt. 3
Omaha, NE—Eppley Airfield, ILS Rwy 14R, Original
Omaha, NE—Eppley Airfield, ILS Rwy 14R, Amdt. 19, cancelled
Omaha, NE—Eppley Airfield, ILS Rwy 32L, Amdt. 1
Chattnooga, TN—Lovell Field, ILS Rwy 2, Original

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *Effective January 11, 1979*

Chattanooga, TN—Lovell Field, RADAR-1, Amdt. 6

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective January 11, 1979*

Madison, GA—Madison Muni., RNAV Rwy 14, Amdt. 1, cancelled
Butler, PA—Butler-Graham, RNAV Rwy 25, Original
Philadelphia, PA—Philadelphia Int'l, RNAV Rwy 17, Amdt. 2
Philadelphia, PA—Philadelphia Int'l, RNAV Rwy 35, Amdt. 3

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

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

Issued in Washington, D.C. on November 24, 1978.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc. 78-33424 Filed 11-29-78; 8:45 am]

[3510-07-M]

Title 15—Commerce and Foreign Trade

CHAPTER I—BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE

PART 30—FOREIGN TRADE STATISTICS

Miscellaneous Amendments

AGENCY: Bureau of the Census, Commerce.

ACTION: Final rule.

SUMMARY: The following amendments are made to the regulations published in the FEDERAL REGISTER of March 3, 1976 (41 FR 9134).

1. The FEDERAL REGISTER notice of October 27, 1977 (42 FR 56604) eliminated use of the Shipper's Export Declaration Correction Form in favor of a procedure whereby corrections to the Shipper's Export Declarations could be effected by use of a "Correction Copy" of the originally filed Shipper's Export Declaration. However, some of the sections of the Foreign Trade Statistics Regulations still contain obsolete references to the Shipper's Export Declaration Correction Form. Such obsolete references are being replaced by this amendment.

2. FTSR Letter No. 116 dated December 13, 1977, provided for the reporting of shipments from Puerto Rico to the United States in terms of the commodity classifications in the January 1978 edition of Schedule B, *Statistical Classification of Domestic and Foreign Commodities Exported from the United States,* instead of Schedule P, *Commodity Classification for Reporting Shipments from Puerto Rico to the United States,* as had been

the case previously. However, references to requirements for reporting in terms of Schedule P were not eliminated from the Foreign Trade Statistics Regulations. These references are being changed by this amendment.

3. When the 1978 edition of Schedule B was introduced, instructions were issued to provide that where net quantity information is not required to be reported on the Shipper's Export Declaration, an "X" (instead of a dash (—)) should be entered in the net quantity column. This change is being appropriately incorporated into the Foreign Trade Statistics Regulations by this amendment.

EFFECTIVE DATE: November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Emanuel A. Lipscomb, Chief, Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233 301-763-5342.

SUPPLEMENTARY INFORMATION: These changes are being made to incorporate into the Foreign Trade Statistics Regulations certain changes in reporting requirements which already exist as a matter of practice.

In accordance with the rulemaking provisions of the Administrative Procedures Act, 5 U.S.C. 553, the Bureau finds that notice and opportunity for interested persons to submit written comments (either before or after the promulgation of this amendment) would serve no public interest. These regulations are issued under the authority of title 13, United States Code, section 302; and 5 U.S.C. 301; Reorganization Plan No. 5 of 1950, Department of Commerce Organization Order No. 35-2A, August 4, 1975, 40 FR 42765.

1. The second sentence of the first paragraph of § 30.7 is amended by the deletion of the reference to Schedule P so that as amended, the second sentence of the first paragraph of § 30.7 now reads:

§ 30.7 Information required on Shipper's Export Declarations.

* * * (See § 30.92 for information as to the statistical classification Schedules B, C-E, and D referred to in this section * * *)

* * * * *

2. The penultimate sentence of § 30.7(h) is amended to eliminate the reference to the Shipper's Export Declaration Correction Form (Form FT-7403), so that as amended the penultimate sentence of § 30.7(h) now reads as follows:

* * * * *

§ 30.7 Information required on Shipper's Export Declarations.

* * * * *

(h) * * * Where optional ports of unloading are named on the Shipper's Export Declaration under the permissible conditions, a photocopy, carbon, or other legible copy of the originally filed Shipper's Export Declaration indicating the actual port of unloading shall be filed by the exporter or his agent with the Customs Director as soon as the actual port of unloading is known to the exporter. (See § 30.16 of these regulations.) * * *

* * * * *

3. In § 30.7(l)(1), the second sentence, "(For shipments from Puerto Rico to the United States, Schedule P, *Commodity Classification for Reporting Shipments from Puerto Rico to the United States*, is substituted for Schedule B.)," is deleted.

4. The fourth sentence of § 30.7(n) is amended to read as follows:

§ 30.7 Information required on Shipper's Export Declarations.

* * * * *

(n) * * * If neither Schedule B nor an applicable validated license specifies a unit of quantity for the item, net quantity is not required to be reported, and an "X" should be entered in the "net quantity" column on the Shipper's Export Declaration.

5. The third sentence of § 30.22(c) is amended to eliminate the reference to the Shipper's Export Declaration Correction Form (Form FT-7403), so that as amended, the third sentence of § 30.22(c) now reads:

§ 30.22 Requirements for the filing of Shipper's Export Declarations by departing carriers.

* * * * *

(c) * * * If the statistical copy of the declaration has been transmitted by the Director to the Bureau of the Census at the time of such notification, the Director will require the exporter (or his agent) to file a "Correction Copy" of the originally filed Shipper's Export Declaration as described in § 30.16 of these regulations * * *

§ 30.92 [Amended]

6. The last paragraph of § 30.92, *"Schedule P—Commodity Classification for Reporting Shipments from Puerto Rico to the United States.* Free from the Bureau of the Census, Washington, D.C. 20233," is hereby deleted.

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

I concur:

RICHARD J. DAVIS,
Assistant Secretary,
Department of the Treasury.

[FR Doc. 78-33481 Filed 11-29-78; 8:45 am]

[1505-01-M]

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, BUREAU OF TRADE REGULATIONS

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Revision of Commodity Control List

Correction

In FR Doc. 78-26955 appearing at page 43450 in the issue of Tuesday, September 26, 1978 on page 43451, the first entry, in the table under "Validated license required", the entry now reading "SX" should have read "SZ".

[6740-02-M]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION, DEPARTMENT OF ENERGY

PART 154—RATE SCHEDULES AND TARIFFS

Final Regulation Requiring Jurisdictional Pipelines To Elect Either Adoption of PGA Clauses or General Section 4 Rate Filings To Recover Changes in the Cost of Purchased Gas

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: This final rule requires natural gas pipeline companies to elect for three year periods whether to recover changes in purchased gas cost through a purchased gas adjustment provision (PGA Clause) or a general section 4 rate filing. The regulation is necessary in order to reduce the financial and administrative burden associated with the frequency of filings for changes in purchased gas cost. The

effect of this regulation is to prevent companies which choose to include a PGA clause in their tariff from recovering changes in purchased gas cost in a section 4 filing. It also prohibits a company which chooses to recover changes in purchased gas costs in general section 4 rate filings from recovering changes in purchased gas cost through a PGA clause.

EFFECTIVE DATE: December 1, 1978.

FOR FURTHER INFORMATION CONTACT:

MaryJane Reynolds, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 275-4283.

Regulations of the Federal Energy Regulatory Commission (Commission) under the Natural Gas Act permit the inclusion of a purchased gas adjustment provision (PGA clause) in natural gas pipeline companies' tariffs under certain specified conditions. PGA clauses were originally permitted to avoid frequent consideration of rate increase filings caused by the constantly rising cost of purchased gas. (See Orders 452 & 452-A, 47 FPC 1049 (1972) and 47 FPC 1510 (1972) respectively.) However, the number and frequency of PGA filings reached such a magnitude that they imposed an undue financial and administrative burden upon the pipeline companies, their customers, the Commission staff, the state Commissions and ultimate consumers. In Order No. 13, the Commission took action to reduce this burden by limiting the filing of future PGA rate changes to two per year and prescribing semi-annual filing dates for each pipeline company (43 FR 50167, October 27, 1978). The intended reduction in filings, however, would not be accomplished if pipeline companies responded to the order by including changes in purchased gas cost in general section 4 rate filings. The Commission therefore proposed a regulation in Docket No. RM79-1 to require jurisdictional pipeline companies to elect, for periods of three years whether to reflect changes in purchased gas cost in the PGA clause or in general section 4 rate filings under § 154.63 (43 FR 50191, October 27, 1978).

Interested parties were invited to submit comments on the proposed rule by November 20, 1978. Six timely comments were received from seven natural gas pipeline companies; [1] three late comments were also received. All parties supported the proposed rule, except the jointly filing pipelines. Specific points raised in the comments have been incorporated in the final regulation.

[1] A joint filing was made by two pipelines.

Other comments are discussed in the summary of the final regulation.

SUMMARY OF THE FINAL REGULATION

The regulation adopted today amends 18 CFR 154.38(d)(4) to require each interstate pipeline company to make an election whether to recoup all changes in purchased gas cost pursuant to its PGA clause or pursuant to a general section 4 rate filing. The election is binding for a three year period.

A company which selects the PGA option will not be permitted to include changes in purchased gas cost in general section 4 rate filings made during the period that the PGA option is in effect. However, a company which elects the PGA option, if confronted with severe financial consequences due to the election, may request a waiver from the Commission and file a general section 4 rate increase which includes changes in purchased gas cost.

Only one interested party challenges the Commission's authority to require an election of this type. It asserts that the Commission may not limit the rights of a natural gas pipeline company under the Natural Gas Act to file a general section 4 rate increase. Nothing in the election rule limits the right of any company to file a section 4 rate increase. The choice between section 4 and PGA treatment for purchased gas cost for each option period is exclusively at the discretion of the company. Furthermore, a company which chooses the PGA option may make section 4 filings to reflect changes in all costs other than purchased gas cost. Therefore in the Commission's view the election procedure in no way limits a company's section 4 rights.

The Natural Gas Act does not require that the Commission provide for PGA clauses and no pipeline has a statutory right to collect purchased gas cost through a PGA clause. However, the Commission believes that a company which chooses the PGA election is adequately protected even though it foregoes the right to file a section 4 rate increase to reflect changes in purchased gas cost. Specifically, the PGA procedure allows the annualization of changes occurring during the 12 month historical test period including significant changes in purchase patterns. Moreover, amounts in the deferred account reflecting unrecovered purchased gas cost may now include carrying charges. Most importantly, if a company finds that the carrying charges are insufficient to protect its financial integrity, it may seek a waiver from the Commission which would allow it to include changes in purchased gas cost in a section 4 rate filing notwithstanding its currently effective PGA clause.

A. ELECTION PROCEDURE.

Natural gas pipeline companies may elect once every three years which method will govern their method of recovery of changes in purchased gas costs for the three year period designated the "election period." Comments suggested that the election procedure should be detailed more fully in the regulations. The final rule has been modified accordingly.

Companies need not notify the Commission of their election. Any company with an effective PGA clause in its tariff on December 1, 1978, will be deemed to have chosen the PGA option. However, for this first election period a company with a PGA clause in effect on December 1, 1978, which chooses the non-PGA option must notify the Commission of its non-PGA option on or before December 1 but has until December 15 to file conforming tariff sheets with a proposed effective date of January 1, 1979. Thereafter if a different option is chosen for a subsequent election period, tariff sheets necessary to implement the option must be filed by December 1 preceding the election period beginning on January 1. Any company which does not file amended tariff sheets reflecting a changed option will be deemed to have chosen to continue the option of the previous election period.

B. EFFECT OF THE ELECTION.

A company which has selected the PGA option shall file for changes in its purchased gas cost exclusively through its PGA clause for the entire election period. It may not file tariff sheets eliminating the effectiveness of its PGA clause during that period. Nor may it include changes in its purchased gas cost in any general section 4 filing during that election period unless it has received a waiver from the Commission.

The final rule has been clarified to assure that any company which chooses the PGA option for the first election period, beginning January 1, 1979, may not include changes in its purchased gas cost in any general section 4 filing during December 1978. The Commission has determined that this restriction is essential to the fundamental purpose of the rule. It will avoid numerous section 4 filings by companies electing the PGA option and will provide an orderly pass-through of the increases in purchased gas cost.

C. PURCHASED GAS COST COVERED BY THE ELECTION

The rule provides that any company which elects the PGA option may not include in a general section 4 rate filing any changes in purchased gas

cost other than those which are included in rate adjustments filed pursuant to a PGA clause. The proposed rule failed to reflect the amendment to purchased gas cost adopted in Order 567, —— F.P.C. —— (1977). That order specified that with respect to pipeline production, only those purchased gas costs which qualify for and are being afforded area or nationwide rate treatment may be included in the PGA.

The final rule includes the change adopted in Order 567 and, in addition, allows for the inclusion of pipeline production which is not subject to an area or nationwide rate but is treated as though it were produced by an independent producer.

It was also suggested by one pipeline that the definition be amended to include new pipeline supplies (contractual daily delivery obligations) in the PGA without prior Commission approval. This proposition was previously addressed and rejected by the Commission in Order 452-A. No change in circumstances has been presented which would warrant a modification of the Commission policy expressed in Opinion 452-A. Accordingly, the definition is not being modified to include new pipeline supplies (contractual daily delivery obligations) prior to Commission approval.

D. WAVIERS

It is the intent of the Commission that companies electing the PGA option not file section 4 rate increases to reflect changes in purchased gas cost included in the PGA clause. However, the Commission recognizes that there may be a few isolated and unforeseeable instances where the pipeline (1) is unable to arrange for financing of the balances being carried in the deferred account (Account 191) or (2) is not able to earn its overall rate of return last allowed by the Commission because of the magnitude of the balances in the deferred account (Account 191) and a significant difference between the costs of financing the deferred amounts and the carrying charges allowed pursuant to § 154.38(d)(4)(iv)(c). In those cases, a waiver may be requested when the company files a section 4 rate case to include changes in purchased gas cost. If the waiver is granted, then changes in purchased gas cost would be included in the section 4 proceeding. If the waiver is denied, the tariff sheets filed with the section 4 proceeding will be rejected and new tariff sheets, excluding changes in purchased gas cost will have to be filed.

Several parties have commented that the grounds for waiver are too narrow. However it is the Commission's intention that those companies choosing the PGA option be prevented from including changes in purchased gas cost in a general section 4 rate filing except under the most unusual circumstances.

Thus, the waiver standards are intended to provide relief only in very extraordinary cases. Moreover, the Commission believes that, in light of the flexibility allowed in PGA filings, including the newly promulgated provision allowing carrying charges, that the grounds for waiver, as promulgated, are appropriate.

One party commented that the standards for waiver were not sufficiently delineated in the proposed rule. The final rule sets forth the second test in more detail. The second test is two-fold. First the company must show that it is unable to earn its allowed rate of return. The allowed rate of return would include a rate established in a settled case which was submitted to and approved by the Commission as well as in a rate case in which the Commission had a fully litigated record upon which to base its final decision on the rate of return issue. Second, if a company is not meeting its allowed rate or return, it must then show that its not doing so is due to the magnitude of the balances in the deferred account (Account 191) and that finance charges substantially exceed carrying charges. This difference is a function of both interest rates and the volumes of gas covered by the PGA.

E. INTERACTION BETWEEN THE PGA CLAUSE AND SECTION 4 FILINGS

The rule specifically provides that changes in purchased gas cost covered by a PGA may not be included in a section 4 rate filing. Consequently the conforming amendments to § 154.63 have been adopted with the changes discussed herein. Pursuant to the final rule, § 154.63, a company which makes a section 4 rate filing shall reflect the "total system weighted average current unit cost of gas" as reflected in its currently effective PGA clause. This language merely clarifies that the "unit cost" used in the proposed rule was intended to be a single unit cost reflecting all changes in purchased gas cost reflected in the PGA tariff rates.

The comments raised several points concerning section 4 rate filings by companies which select the PGA option which merit comment.

First, under the PGA option, companies are allowed both to annualize gas purchase cost and to reflect changes in supply patterns. Hence in making a section 4 filing a company which has selected the PGA option must calculate a single total system weighted average current unit cost of gas from data contained in its currently effective PGA clause. This unit figure excludes any surcharge collected under the PGA because the surcharge does not reflect current cost of purchased gas. In filing a section 4 rate increase the company may make adjustments in purchase and sales volumes but it may not adjust the total system weighted average current unit cost of gas reflected in the effective PGA to reflect estimated changes in purchase patterns. Consequently, the company in estimating the total adjusted costs must multiply the PGA unit cost by the projected purchased gas volumes.

Second, several companies suggested that for § 154.63 filings the PGA unit cost be the one effective at the time the section 4 filing is made, rather than the PGA rate last approved by the Commission as contemplated in the proposed rulemaking. The suggestion has been adopted in the final rule. This will allow use of the most current PGA rate and yet will not result in the overcharge of any customer because the PGA adjustment which has been set for hearing, but made effective, is subject to refund.

Third, one party is concerned that the Commission may no longer permit amendments to general section 4 rate case suspended rates to reflect PGA adjustments occurring during the suspension period. The concern is unfounded. The Commission does not intend to modify its existing policy with respect to PGA adjustments occurring during the suspension period in a section 4 rate case.

Finally, one party has suggested that because of the exclusion of changes in purchased gas cost from a section 4 filing by a company which has chosen the PGA option, such a company will have no mechanism by which to establish a new base cost of purchased gas. Section 154.38(d)(4)(vi) has no provision for the establishment of a base cost of purchased gas, but it does require establishment of base tariff rates. The rule promulgated today provides that every company which elects the PGA option shall include in its restated base tariff rates filed either pursuant to § 154.38(d)(4)(vi) or § 154.63 its total system weighted average current unit cost of gas reflected in its currently effective PGA rate adjustment. The effective total system weighted average current unit cost of gas represents a company's base cost of purchased gas.

FINDINGS

(1) For the reasons set forth, the Commission finds that it is appropriate and in the public interest in administering the Natural Gas Act to adopt these amendments;

(2) For good cause as more fully described herein, the Commission finds that notice and comment on those provisions of the amendment adopted today which were not included in the

proposed rule are impracticable and contrary to the public interest;

(3) In view of the purpose, intent and effect of the amendments, good cause exists for making them effective on December 1, 1978.

(Natural Gas Act (15 U.S.C. 717 *et seq.*) Administrative Procedure Act (5 U.S.C. 553), Department of Energy Organization Act (42 U.S.C. 7101, *et seq.*), and E.O. 12009, 42 FR 46267.)

CONCLUSION

In consideration of the foregoing, Part 154, Chapter I of Title 18, Code of Federal Regulations, is amended as set forth below, effective December 1, 1978.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

1. Section 154.38 is amended in subparagraph (4) of paragraph (d) by revising the introductory language and by adding a new subdivision (ix) to read as follows:

§ 154.38 Composition of rate schedule.

* * * * *

(d) *Statement of rate.* * * *

(4) A natural gas pipeline company may flow through changes in its cost of purchased gas [1] pursuant to a purchased gas adjustment clause (PGA clause). The proposed clause must be filed with the Commission and shall not be effective until approved by the Commission. No request for approval of a PGA clause will be considered unless the proposed clause meets the terms and conditions specified in subdivisions (i) through (viii) of this subparagraph. Any PGA clause approved by the Commission is subject to the conditions in subdivision (ix) of this subparagraph.

* * * * *

(ix) *Election of a PGA clause.* A natural gas pipeline company shall elect once every three years whether to recover all changes in purchased gas costs either through general rate filings made under § 154.63 or through filings made under a PGA clause prescribed in this paragraph.

(*a*) *Procedure for election.* For purposes of this paragraph, "election period" means a three year calendar period commencing on January 1, of every third year. The first election period commences on January 1, 1979. The election for an election period must be made on or before the first day of the December preceding the new election period and is binding for the entire election. Any company which has a PGA clause in its tariff on December 1, 1978, shall be considered to have elected to recover its changes in purchased gas cost exclusively through the PGA clause. However, such a company with a PGA clause in its tariff on December 1, 1978 which chooses not to use the PGA clause must notify the Commission by December 1, 1978 that it has elected not to recover any of its changes in purchased gas cost under a PGA clause. It shall file revised tariff sheets eliminating the PGA clause from its tariff, by December 15, 1978 to become effective January 1, 1979. Waiver of the notice requirements in § 154.22 is hereby granted to permit such conforming tariff sheets to become effective January 1, 1979. Any company which elects the PGA clause option pursuant to this paragraph may terminate its PGA clause effective as of the next election period by filing revised tariff sheets eliminating the PGA clause from its tariff. Such tariff sheets must be filed on or before December 1, preceding a new election period to become effective on the first January 1 of the new election period. If a company does not make such a filing, it shall be considered to have elected to renew its PGA clause option for the new election period. A company which has chosen the non-PGA option for an election period may file revised tariff sheets implementing the PGA clause option for the next election period. Such tariff sheets must be filed on or before the December 1 preceding a new election period to make the PGA clause effective on the first January 1 of that election period.

(*b*) *PGA clause option.* Any company which has elected the PGA clause option for the first election period, beginning on January 1, 1979, may not include any changes in purchased gas cost in a general section 4 rate filing made under § 154.63 and which is filed in December 1978. Thereafter, during an election period for which a company has elected the PGA option, it shall file for changes in its purchased gas cost exclusively through its PGA clause. The company may not file tariff sheets eliminating its PGA clause from its effective tariff during the election period and may not include any changes in its purchased gas cost in a general section 4 rate filing made under § 154.63, during the election period for which the PGA clause is in effect: *Provided, however,* That a company may request the Commission for a waiver of the election and if granted may include changes in purchased gas cost in a general section 4 rate filing made under § 154.63.

To receive a waiver, the company must demonstrate that (*1*) it is unable to arrange for financing of the balances being carried in the deferred account (Account No. 191), or (*2*) is not able to earn its overall rate of return last allowed by the Commission because of the magnitude of the balances in the deferred account (Account No. 191) and a significant difference between the costs of financing the deferred amounts and the carrying charges allowed under paragraph (d)(4)(iv)(*c*) of this section.

(*c*) *Non-PGA option.* During an election period for which the company has elected the non-PGA option, a company shall file for changes in purchased gas cost exclusively in a general section 4 rate filing made under § 154.63. The company may not file tariff sheets to include a PGA clause in its effective tariff during that election period.

2. Section 154.63 is amended by revising subparagraphs (3) and (4) of paragraph (b) and by revising Schedule H(1)-3 of paragraph (f) to read as follows:

§ 154.63 Changes in a tariff, executed service agreement or part thereof

* * * * *

(b) *Material to be submitted.* * * *

(3) *Major rate increase.* Class A companies (as defined in Subchapter F, Uniform System of Accounts for Natural Gas Companies, of this chapter) shall submit, in addition to the material required by subparagraph (1) of this paragraph, Statements A to M inclusive and O and P described in paragraph (f) of this section. Class B, C, and D companies, defined as above, shall file only Statements L, M, N, O, and P. Statement P, which is required to be submitted by all classes of companies, may be furnished not later than 15 days after the date of the filing. A natural gas company filing another major increase in rates or charges within a period of twelve months after the date of filing of Statements A through M and O and P or after the end of the test period used therein including the period of adjust-

[1] For the purposes of this paragraph, purchased gas cost represents the cost of wellhead purchases, field line purchases, plant outlet purchases, transmission line purchases, and pipeline production that qualifies for and is being afforded area or nationwide rate treatment or is otherwise being afforded rate treatment as though the gas were being produced by an independent producer. Nonconcurrent exchange transactions may be reflected as a cost of purchased gas. If a company has underground storage, the cost of purchased gas included in Accounts 800, 801, 802, and 803, and where applicable, Account 806, shall be debited or credited to reflect the net injections or withdrawals from underground storage. This adjustment shall be prorated between pipeline and producer supply. New pipeline supplies (contractual daily delivery obligations) and liquified natural gas, synthetic natural gas, gas from coal gasification, and pipeline production when priced on a cost of service basis pursuant to Commission authorization shall not be reflected in a PGA clause without prior Commission approval.

ments shown on Statements A through M may submit for such other increase Statements L, M, and N in lieu of Statements A through M if the proposed new rate increase is filed to compensate only for an increase in the cost of purchased gas and there has been no material change in the company's facilities, sales volumes, and cost of service other than cost of purchased gas since such prior rate increase was filed. However, pipelines with Commission approved PGA clauses conforming to § 154.38(d)(4) shall not be permitted to include changes in purchased gas cost in filings made under this subparagraph unless they have received a waiver of their PGA election under § 154.38(d)(4). A pipeline with an effective Commission approved PGA clauses shall reflect in any filing made pursuant to this subparagraph the total system weighted average current unit cost of purchased gas reflected in the pipeline's latest effective PGA rate adjustment, unless the pipeline has received a waiver of its PGA election under § 154.38(d)(4).

(4) *Minor rate increase or rate decrease.* Only Statement L through N need be filed in addition to the material required by subparagraph (1) of this paragraph. (Statements L through N are not required to make effective rate changes or tariff provisions ordered by the Commission). A pipeline with an effective Commission approved PGA clause conforming to § 154.38(d)(4) shall not be permitted to include changes in purchased gas costs in rate filings made pursuant to this subparagraph unless the pipeline has received a waiver of its PGA election under § 154.38(d)(4). A pipeline with an effective Commission approved PGA clause shall reflect in any filing made under this subparagraph the total system weighted average current unit cost of purchased gas reflected in the pipeline's latest effective PGA rate adjustment, unless the pipeline has received a waiver of its PGA election under § 154.38(d)(4). However, the pipeline may adjust the purchased gas volumes.

* * * * *

(f) *Description of statements.* * * *

Schedule H(1)-3, a schedule showing either: (a) In the case of a pipeline which has a Commission approved PGA clause in its tariff, its total system weighted average current unit cost of purchased gas reflected in the pipeline's latest effective PGA rate adjustment. However, the pipeline may adjust its purchased gas volumes as provided in (b) hereof; or (b) in the case of a pipeline which does not have a Commission approved PGA clause in its tariff or in the case of a pipeline which has a Commission approved PGA clause but obtains a waiver of its PGA clause election under § 154.38(d)(4), the total annual cost of gas purchased for the 12 months of actual experience, the adjustments thereto, and the total adjusted cost for test period, with the data grouped by States and producing areas and detailed by contract or rate schedule designation, field, volumes in Mcf at a common pressure base and price in total for the contracts or rate schedules under which actual or adjusted volumes exceed 1,000,000 Mcf annually. Field purchases under rate schedules where the actual or adjusted volumes are less than 1,000,000 Mcf annually may be grouped by field or producing area. Purchases from pipelines in any volume shall be shown in full detail by rate schedule including splits between demand and commodity charges.

In the event adjustments are made to the volumes of gas taken from any source during the 12 months of actual experience, a detailed explanation and data in support of the adjusted volumes shall be furnished. No adjustments are to be made to reflect the attachment of new gas supplies unless both the filing company and the supplier have each obtained the required permanent or temporary certificates of public convenience and necessity and the necessary facilities by both are or will have been in operation during the test period.

In the event the adjustments to volume aggregate more than 10 percent of the total volume of gas purchased during the 12 months of actual experience, and are due to change in gas purchase pattern or additional gas supply, the minimum take-or-pay-for quantities for each source of supply, applicable at the end of the test year period, and the reasons for making such adjustments shall be submitted.

If the company purchases and sells gas under exchange agreements, the method of recording on books, total gross volumes exchanged, net dollar amounts involved and details of each major exchange shall be submitted.

[FR Doc. 78-33589 Filed 11-29-78; 8:45 am]

[6740-02-M]

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

[Order No. 526-E; Docket No. RM74-16]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Order To Postpone Certain Filing Dates of Required Schedules

NOVEMBER 22, 1978.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order to postpone certain filing dates of required Form 40 schedules.

SUMMARY: Order No. 526-E of the Federal Energy Regulatory Commission amends Order No. 526-D (Docket No. RM74-16) with regard to the filing date of Form 40 Schedules for Report Year 1977, deferring that date until further notice. In addition, the order suspends, until further notice, the filing of Form 40 for report years subsequent to 1977. This action is being taken to prevent duplicate reporting pending OMB approval of the Energy Information Administration's proposed Form EIA-23.

EFFECTIVE DATE: November 22, 1978.

FOR FURTHER INFORMATION CONTACT:

John Conway, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 275-4296.

On July 31, 1978, this Commission issued its Order No. 526-D (Docket No. RM74-16) which amended § 260.13(d) of its regulations to extend the filing date for Form No. 40 schedules for Report Year 1977 from September 1, 1978 to December 1, 1978. This order modifies Order 526-D to suspend until further notice the filing date for Report Year 1977. In addition, this order also postpones until further notice that part of § 260.13(d) (as amended) of the Commission's regulations respecting the filing of Form No. 40 for report years following 1977.[1]

Currently, the Office of Management and Budget (OMB) is reviewing Energy Information Administration (EIA) Form EIA-23, a new form designed to require similar information now required by Form No. 40. In addition, the OMB has determined that it will not consider FPC Form No. 40, transmitted to the OMB for clearance on June 12, 1978, unless events occur that would prevent or materially delay the implementation of Form EIA-23.

Pending the approval and implementation of Form EIA-23, or in the alternative OMB approval of FPC Form No. 40, the Commission has determined that there is a need to postpone the current December 1, 1978 filing deadline of FPC Form No. 40 for 1977 data. This determination is based upon the potential for the duplication of effort which may come about should the proposed Form EIA-23 be approved in the near future. For the same reason, the filing deadlines for data collected in years following 1977 should also be postponed. Balanced against this potential duplication is the need of the Commission for the data which Form No. 40 and Form EIA-23 are designed to collect. Accordingly, the Commission today orders that the filing requirements of Form No. 40 for 1977 and subsequent years be postponed until further Commission order. Upon approval of either FPC Form 40 or Form EIA-23, the Commission will expect filings to be made of data collected during 1977 and subsequent years to which this order applies.

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[1] This proceeding was commenced before the FPC. By the joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

This order does not affect filings required for years prior to 1977.

The Commission finds: (1) On its own motion, and for the reasons stated above, that the required filing dates for 1977 and subsequent years' reporting of Form No. 40 as set forth in the Commission's regulations should be modified as set forth herein.

(2) The modification so made, to postpone these filing dates, is to minimize the potential for duplicative reporting pending action by the OMB.

(3) That for the reasons given above, and in that this order relieves a restriction previously imposed to the extent of postponing filing dates, good cause exists to dispense with notice and public procedures (5 U.S.C. § 553(b) (1977)); and this order may therefore be made effective immediately (5 U.S.C. § 553(d) (1977)).

The Commission orders: (A) The requirements of Section 260.13(d), Part 260, Subchapter G of Chapter I, Title 18 of the Code of Federal Regulations (as set forth in Order No. 526-C, issued February 17, 1978, and amended by Order No. 526-D, issued July 21, 1978) respecting the filing dates of FPC Form No. 40 for the calendar year ending December 31, 1977 and subsequent reporting years are postponed until further order by the Commission.

(B) The effective date of this order shall be the date of issuance.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33670 Filed 11-29-78; 8:45 am]

[4110-07-M]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE

Effects of Annual Wage Reporting

AGENCY: Social Security Administration, HEW.

ACTION: Final rule.

SUMMARY: The Social Security Amendments of 1976 amended the Social Security Act to ease the tax reporting burden on the Nation's private-sector employers. Those amendments allowed employers to submit their reports of the wages paid to their employees on an annual, rather than a quarterly, basis. However, the annual wage report still had to reflect the wages paid to an employee in each calendar quarter. The Social Security Amendments of 1977 further eased this reporting burden by eliminating the need to break the wages down on a quarterly basis. Under these statutory amendments, most provisions of the Social Security Act are now based upon annual, rather than quarterly, wages. Most of the changes made by these amendments to the regulations describe how much money an individual has to earn in a year to become "covered" under the social security program. In addition, Congress directed the Secretary to define the term "the average of the total wages," which will be used, among other things, to determine the increase from year to year in the amount of a person's income subject to social security taxes.

EFFECTIVE DATE: November 30, 1978.

Comments: Although these rules are being published without Notice of Proposed Rule Making, consideration will be given to any comments about the rules received in writing on or before January 29, 1979.

ADDRESSES: Written comments may be submitted to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

FOR FURTHER INFORMATION CONTACT:

Ms. Dorothy E. Algea, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-5587.

SUPPLEMENTARY INFORMATION:

1. INTRODUCTION

These rules reflect changes required by sections 351 and 353 of the Social Security Amendments of 1977 (Pub. L. 95-216, approved December 20, 1977). In certain sections, technical material has been removed and the language has been clarified. Some provisions that apply to past periods have been deleted, but will be used where appropriate in matters involving those periods.

2. DESCRIPTION OF CHANGES

The following sections of the regulations have been revised:

Section 404.408 is amended to show the new formula for computing average current earnings. The section also defines "the average of the total wages" as required by Section 224(f)(2)(B) of the Social Security Act. This term is used in the formula for determining average current earnings. The material on determining average current earnings has also been changed to show that estimates of annual earnings will not be used for years beginning after 1977. In deleting the latter material, some rules which applied in years before 1973 were also deleted to make the section easier to read.

Section 404.1008 is amended to change from a quarterly to a yearly basis the standard for determining whether work for a group of farm operators is covered for social security purposes.

Section 404.1018 is deleted because the provision of law on which this regulation was based has been deleted. A similar provision of law was enacted and is reflected in a new regulation § 404.1027(w) which is explained below.

Section 404.1019 is amended by deleting the reference to "calendar quarter." The shift to reporting wages on an annual (rather than quarterly) basis makes the change necessary.

Section 404.1025a is amended to show a change from a quarterly to a yearly basis in the standard for determining whether the coverage exclusion applies.

Section 404.1026 is amended to change from $50 a calendar quarter to $100 a calendar year the standard for determining whether pay for (a) work not in the course of the employer's trade or business, or (b) services performed by home workers is excluded from wages.

Section 404.1027 is amended in several places:

(a) Paragraph (l) is revised by deleting references to services not in the course of the employer's trade or business. The standard applicable to that work was changed and is now shown in § 404.1027(v). The standard applicable to domestic service was not changed.

(b) Paragraph (o) is amended by shifting from $50 a calendar quarter to $100 in a calendar year the standard for determining whether pay for services performed by home workers is excluded from wages.

(c) Paragraph (q) currently reflects the old rule that additional wages of $300 a calendar quarter are deemed to a member of a uniformed service regardless of the amount of basic pay. This paragraph is being amended to reflect the new rule that additional wages of $100 will be deemed for each $300 of basic pay paid to a person in service in a calendar year. The new rule also limits to $1,200 the maximum amount that may be deemed in a calendar year. There will be no effect on a person who serves on active duty throughout the calendar year.

(d) Paragraph (v) is added to reflect a rule which was formerly in § 404.1027(l). It is also being amended to change from $50 a calendar quarter to $100 in a calendar year the standard for determining whether pay for services not in the course of the employer's trade or business is excluded from wages.

(e) A new paragraph (w) is being added which applies to employees of nonprofit organizations exempt from income tax under Section 501 of the Internal Revenue Code of 1954. It reflects a new rule showing that remuneration is excluded from wages unless the employee is paid $100 or more in a calendar year. The former rule which was in § 404.1018 showed that the services were not covered if the employee did not earn wages of $50 or more in a calendar quarter.

Section 404.1049 defines "the average of the total wages" as required by law. The term is used, among other things, to determine the increase from year to year in the amount of a person's income which is subject to social security taxes. Previously the term "the average of the total wages" was based upon those wages subject to social security taxes. It has been statutorily changed to include all wages reported to the Internal Revenue Service for income tax purposes. We have also changed this regulation to reflect the new technical procedures set out in the law for figuring whether an increase in the amount of a person's income subject to social security taxes is required.

The following table lists the amended sections of the regulations and the sections of Pub. L. 95-216, the Social Security Amendments of 1977, causing the change:

20 CFR	*Pub. L. 95-216*
404.1008	351(a)(1) and (2)
404.1018	351(a)(3)(B)
404.1019	351(a)(3)(B)
404.1025a	351(a)(1)
404.1026	351(a)
404.1027(l)	351(a)(1) and (2)
404.1027(o)	351(a)(1) and (2)
404.1027(q)	353(d)
404.1027(v)	351(a)(1) and (2)
404.1027(w)	351(a)(3)(A)
404.1049	353(e)

4. PUBLICATION OF FINAL RULE WITHOUT NOTICE OF PROPOSED RULEMAKING

The Secretary for good cause finds that issuing these rules with notice and public procedure is both unnecessary and impracticable as the statutory changes which these amendments reflect are very specific and leave little to the discretion of the Secretary, and, under the terms of the statute, most have been in effect since January 1978.

(Secs. 205, 209, 210, 224, 229, 230, and 1102 of the Social Security Act; 53 Stat. 1368, as amended; 49 Stat. 625, as amended; 64 Stat. 494, as amended; 79 Stat. 406, as amended; 81 Stat. 833, as amended; 86 Stat. 417, as amended; and 49 Stat. 647, as amended; (42 U.S.C. 405, 409, 410, 424, 429, 430, and 1302), as amended by Pub. L. 95-216, approved December 20, 1977)

(Catalog of Federal Domestic Assistance Program No: 13.803, Social Security—Retirement Insurance.)

Dated: August 16, 1978.

DON WORTMAN,
Acting Commissioner of Social Security.

Approved: November 20, 1978.

HALE CHAMPION,
Acting Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.408 is amended by revising paragraph (c)(3) and (j)(2) to read as follows:

§ 404.408 Reduction of benefits based on disability on account of receipt of workmen's compensation.

* * * * *

(c) *Amount of Reduction.* * * *

(3) *Average current earnings defined* (i) Beginning January 1, 1979, and individual's "average current earnings" for purposes of this section mean the largest of:

(A) The average monthly wage (determined under section 215(b) of the Act as in effect prior to January 1979) used for purposes of computing the individual's disability insurance benefit under section 223 of the Act;

(B) One-sixtieth of the total of the individual's wages and earnings from self-employment, without the limitations under section 209(a) and 211(b)(1) of the Act (see paragraph (c)(3)(ii) of this section), for the 5 consecutive calendar years after 1950 for which the wages and earnings from self-employment were highest; or

(C) One-twelfth of the total of the individual's wages and earnings from self-employment, without the limitations under sections 209(a) and 211(b)(1) of the Act (see paragraph (c)(3)(ii) of this section), for the calendar year in which the individual had the highest wages and earnings from self-employment during the period consisting of the calendar year in which the individual became disabled and the 5 years immediately preceding that year. Any amount so computed which is not a multiple of $1 is reduced to the next lower multiple of $1.

(ii) *Method of determining calendar year earnings in excess of the limitations under sections 209(a) and 211(b)(1) of the Act—(a) In General.* For the purposes of paragraph (c)(3)(i) of this section, the extent by which the wages or earnings from self-employment of an individual exceed the maximum amount of earnings creditable under sections 209(a) and 211(b)(1) of the Act in any calendar year after 1950 and before 1978 will ordinarily be estimated on the basis of the earnings information available in the records of Administration. (See Subpart I of this part.) If an individual provides satisfactory evidence of his actual earnings in any year, the extent, if any, by which his earnings exceed the limitations under sections 209(a) and 211(b)(1) of the Act shall be determined by the use of such evidence instead of by the use of estimates.

* * * * *

(j) *Redetermination of benefits.* * * *

(2) *Average current earnings.* In making the redetermination required by paragraph (j)(1) of this section, the individual's "average current earnings" (as defined in paragraph (c)(3) of this section) is deemed to be the product of his average current earnings as initially determined under paragraph (c)(3) of this section and:

(i) The ratio of the average of the total wages (as defined in § 404.1049) of all persons for whom wages were reported to the Secretary of the Treasury or his delegate for the calendar year before the year in which the redetermination is made, to the average of the total wages of all persons reported to the Secretary of the Treasury or his delegate for calendar year 1977 or, if later, the calendar year before the year in which the reduction was first computed (but not counting any reduction made in benefits for a previous period of disability); and (ii) In any case in which the reduction was first computed before 1978, the ratio of the average of the taxable wages reported to the Secretary of Health, Education, and Welfare for the first calendar quarter of 1977 to the average of the taxable wages reported to the Secretary of Health, Education, and Welfare for the first calendar quarter of the calendar year before the year in which the reduction was first computed (but not counting any reduction made in benefits for a previous period of disability). Any amount determined under the preceding two sentences which is not a multiple of $1 is reduced to the next lower multiple of $1.

* * * * *

2. § 404.1008 [Amended]

Section 404.1008(e)(5)(iii) is amended by substituting "year" for "quar-

ter" in the third sentence of the paragraph.

3. § 404.1018 [Deleted]

Section 404.1018 is deleted.

4. § 404.1019 [Amended]

Section 404.1019(c) is amended by deleting the phrase "in the calendar quarter".

5. § 404.1025a [Amended]

Section 404.1025a is amended by deleting "calendar quarter" and substituting "calendar year".

6. Section 404.1026 is amended by revising paragraph (b)(3)(i) to read as follows:

§ 404.1026 Wages.

* * * * *

(b) *When paid and received.* * * *

(3)(i) The first $100 of cash remuneration paid, either actually or constructively, by an employer to an employee in a calendar year for either service not in the course of the employer's trade or business or service performed by certain home workers (see § 404.1004(d)(1)(iii)) is deemed paid by the employer to the employee at the time that the sum of the cash payment totals $100 for the year. The first $50 of cash remuneration paid, either actually or constructively, by an employer to an employee in a calendar quarter for domestic service in the employer's private home is deemed paid by the employer to the employee at the time that the sum of the cash payments total $50 for the quarter.

* * * * *

7. In § 404.1027, the heading of paragraph (l) is revised, paragraphs (l)(1) and (l)(2) are revised, the heading of paragraph (l)(3) is revised, paragraphs (o) and (q) are revised, and new paragraphs (v) and (w) are added to read as follows:

§ 404.1027 Exclusions from wages.

* * * * *

(l) *Cash payments after 1954 for domestic service.*—(1) *The standard.* The term "wages" does not include cash remuneration paid by an employer in any calendar quarter after 1954 to an employee for domestic service in a private home of the employer unless the cash remuneration paid in that calendar quarter is $50 or more.

(2) *How evaluation is made.* The quarter in which wages are paid is important. The quarter in which the employee works and earns the wages is not important. To count toward the $50 amount, payment must be made in cash (including check(s) or other monetary mediums of exchange). (See paragraph (i) of this section for types of payment that are not cash.) The standard applies to services performed as a domestic. If an employer pays an employee for performing other work, the cash pay for the nondomestic work does not count toward the $50 domestic service pay required for the remuneration to count as wages. The standard ($50 or more in a calendar quarter) applies to each employer when an employee performs domestic services for more than one employer in a calendar quarter. The wages paid by all employers for domestic services may not be combined to decide whether the employee has been paid $50 or more in a calendar quarter. Also, the standard applies to each employee when an employer has two or more domestic employees during a calendar quarter. Noncash pay for domestic service does not count as wages regardless of the amount of cash pay.

(3) *Rounding dollar amount reported.* * * *

* * * * *

(o) *Payments to certain home workers.*—(1) *The standard.* The remuneration paid by an employer to a home worker is not "wages" unless the cash pay in a calendar year amounts to $100 or more, where the home worker is an employee under the conditions described in § 404.1004(d)(1)(iii).

(2) *How evaluation is made.* To count toward the $100 amount, payment must be made in cash (including check(s) or other monetary mediums of exchange). (See paragraph (i) of this section for types of payment that do not count as cash.) The standard applies to the year in which the home worker is paid. It does not apply to the year in which the home worker performed the services and earned the pay. The standard is applied to each employer where the worker performs services as a home worker for two or more employers. Similarly, the standard applied to each home worker where one employer has two or more home workers performing those services. Where the standard of cash pay of $100 or more to an employee in a calendar year is met, then all of the pay (cash and noncash for services performed as a home worker) in that year from that employer is wages. This provision does not apply when the individual performing services as a home worker is an employee under the common-law test (see § 404.1004(c)).

* * * * *

(q) *Payments to members of the uniformed services*—(1) *The standard after December 31, 1977.* The "wages" of a member of the uniformed services (as defined in section 210(m) of the Act) includes only the individual's basic pay plus the wages deemed paid to the individual under this section. For calendar years beginning after December 31, 1977, a person in service is deemed to have been paid additional wages of $100 for each full unit of $300 of basic pay paid in a calendar year. The maximum amount of additional wages that may be deemed to a person under this section in a calendar year is $1,200. No wages may be deemed for units of basic pay which are less than $300.

(2) *Basic Pay.* "Basic pay" means the monthly pay prescribed by section 201(a), 201(e), 201(f), or 508 of the Career Compensation Act of 1949, as amended, as may be appropriate, for a member of the uniformed service on active duty, or on active duty for training. (Servicemen's and Veterans' Survivor Benefits Act; Pub. L. 84-881, sections 102(10) and 401, approved August 1, 1956.)

* * * * *

(v) *Service not in course of employer's trade or business*—(1) *The standard.* After December 31, 1977, the term "wages" does not include cash pay of less than $100 paid in a calendar year by an employer to an employee for services not in the course of the employer's trade or business.

(2) *How evaluation is made.* The standard of $100 in a calendar year applies to when the remuneration is paid to the employee. The standard does not apply to when the worker performed services and earned the pay. To count toward the $100 amount, payment must be in cash (including check(s) or other monetary mediums of exchange). (See paragraph (i) of this section for types of payment that do not count as cash.) The standard applies to each employer when an employee performs services not in the course of the employer's trade or business for two or more employers. Also, where the employer has two or more employees, the standard applies to each employee. In applying the standard, cash remuneration is disregarded when it is for any other type of service performed by the employee for the employer. The noncash remuneration an employer pays an employee for services not in the course of the employer's trade or business is not counted as wages even if the employer has paid the employee cash wages of $100 or more in the calendar year for services of that type. (This provision does not apply to domestic services or to services on a farm, as described in § 404.1008(e)(6).)

(3) *Definition.* The term "services not in the course of the employer's trade or business" means services that do not promote or advance the trade or business of the employer. Services

performed for a corporation do not come within the definition.

(w) *Nonprofit, income-tax exempt, organizations*—(1) *The standard.* After December 31, 1977, the term "wages" does not include remuneration of less than $100 paid in a calendar year by an employer to an employee if the employer is an organization exempt from income tax under section 101 of the Internal Revenue Code of 1939 or sections 501 (other than an organization described in section 401) or 521 of the Internal Revenue Code of 1954.

(2) *How evaluation is made.* This standard applies to the year in which remuneration is paid. It does not apply to the year in which the individual works and earns the pay. To compute the $100 amount, both cash and noncash remuneration are counted. The standard applies to each employer where an employee renders services for two or more nonprofit, income-tax exempt, organizations during a calendar year. Similarly, the standard applies to each employee where a nonprofit, income-tax exempt, organization has two or more employees. In applying the standard, the tax-exempt status of the employer and not the nature or place of the employee's services is controlling.

8. Section 404.1049 is revised to read as follows:

§ 404.1049 Contribution and benefit base after 1977.

(a) *Method of determining contribution and benefit base (maximum creditable remuneration) after 1977.* Unless otherwise reflected in § 404.1027(a), the contribution and benefit base as determined under section 230 of the Act with respect to remuneration paid after (and taxable years beginning after) any calendar year after 1977 for which an automatic cost-of-living increase in old-age, survivors, and disability insurance benefits is effective, is the larger of:

(1) The contribution and benefit base in effect for the calendar year in which the determination of the contribution and benefit base is being made; or

(2) The amount determined by: (i) Multiplying the contribution and benefit base which is in effect for the calendar year in which the determination of the contribution and benefit base is being made by the ratio of:

(A) The average of the total wages (see paragraph (b) of this section) reported to the Secretary of the Treasury or his delegate for the calendar year before the year in which the determination is being made; to

(B) The average of the total wages reported to the Secretary of the Treasury or his delegate for the calendar year before the most recent calendar year in which an increase in the contribution and benefit base was enacted or a determination resulting in such an increase was made, and (ii) rounding the result of the multiplication: (A) To the next higher multiple of $300 where the result is a multiple of $150 but not of $300, or (B) to the nearest multiple of $300 in any other case.

(b) *The average of the total wages.* As used in this subpart, "the average of the total wages" (the average wage) means:

(1) For years after 1977, all remuneration reported as wages on Form W-2 to the Internal Revenue Service for all employees for income tax purposes, divided by the number of wage earners. The term includes remuneration for services not covered by social security and remuneration for covered employment in excess of that which is subject to FICA contributions.

(2) For the years 1951 through 1977, four times the amount of average taxable wages that were reported to the Social Security Administration for the first calendar quarter of each year for Social Security tax purposes. For years prior to 1973, these average wages will be determined from a sampling of these reports. The average wage amounts for 1951-1977 will then be adjusted to make the amounts comparable to those computed by using W-2 data reported to IRS for income tax purposes.

[FR Doc. 78-33193 Filed 11-29-78; 8:45 am]

[6560-01-M]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[FRL 1016-1; FAP 7H5167/R41]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Magnesium Phosphide

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends 21 CFR 193 and 561 by establishing food and feed additive tolerances for residues of the fumigant phosphine resulting from application of magnesium phosphide. The regulations were requested by Phostoxin Sales, Inc. This rule establishes maximum permissible levels for residues of phosphine from magnesium phosphide application to processed food and animal feeds.

EFFECTIVE DATE: November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. William MIller, Product Manager (PM) 16, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460 (202-755-3915).

SUPPLEMENTARY INFORMATION: On October 27, 1977, notice was given (42 FR 56643) that Phostoxin Sales, Inc., 2221 Poplar Blvd., PO Box 469, Alhambra, CA 98102, had filed a petition (FAP 7H5167) with the EPA. This petition proposed that 21 CFR 193 and 561 be amended by establishing regulations permitting residues of the fumigant phosphine in or on processed food and animal feeds from treatment with magnesium phosphide at 0.01 part per million (ppm) and 0.1 ppm, respectively. No comments were received by the Agency in response to this notice of filing. (A related document establishing tolerances for residues of phosphine on a variety of raw agricultural commodities from application of magnesium phosphide appears elsewhere in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included acute and subacute inhalation studies of phosphine on various animal species. No chronic toxicity data for phosphine residues have been reviewed because such studies are deemed unnecessary for the following reasons:

(1) An acceptable daily intake (ADI) cannot be determined for phosphine since a chronic-feeding study for a gas is difficult if not impossible to achieve.

(2) Only extremely small quantities of residues remain on treated food after aeration.

(3) The small quantities of residues that remain would be further reduced through routine follow-up procedures, such as, processing and cooking.

No data have been reported in previous petitions, nor in this one, regarding the transfer of residues resulting from the proposed use to meat, milk, poultry, and eggs. Because phosphine is a highly reactive and fugitive gas, residues of phosphine are not expect-

ed in meat, milk, poultry, and eggs as delineated in 40 CFR 180.6(a)(3). An adequate analytical method (colorimetry) is available for enforcement purposes. Tolerances have previously been established (40 CFR 180.225) for residues of phosphine resulting from the use of aluminium phosphide on a variety of raw agricultural commodities at levels ranging from 0.1 ppm to 0.01 ppm. No regulatory action is pending against continued registration of phosphine, nor is any additional information needed.

The proposed tolerances are adequate because of the very low probability of actual exposure to toxicologically significant quantities of phosphine gas from the application of magnesium phosphide.

The pesticide is considered useful for the purpose for which tolerances are sought. Therefore, the regulations establishing tolerances of 0.1 ppm on animal feeds and 0.01 ppm on processed foods by amending 21 CFR 193 and 561 are being promulgated as proposed. Accordingly food and feed additive regulations are established as set forth below.

Any person adversely affected by this regulation may, on or before January 2, 1979 file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective November 30, 1978, 21 CFR 193 and 561 are amended as set forth below.

(Sec. 409(c)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1)))

Dated: November 22, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

1. Part 193, Subpart A, is amended by adding the new § 193.255 to read as follows:

§ 193.255 Magnesium phosphide.

The food additive magnesium phosphide may be safely used in accordance with the following prescribed conditions:

(a) It is used to generate phosphine in the fumigation of processed foods.

(b) To assure safe use of the additive, it is used in compliance with the label and labeling conforming to that registered with the U.S. Environmental Protection Agency. The labeling shall bear a warning to aerate the finished food for 48 hours before it is offered to the consumer. A further warning shall state that under no condition should the formulation containing magnesium phosphide be used so that it or its unreacted residues will come in contact with any processed food.

(c) Residues of phosphine in or on processed foods do not exceed 0.01 part per million.

2. Part 561 is amended by adding the new section 561.265 to read as follows:

§ 561.265 Magnesium phosphide.

The feed additive magnesium phosphide may be safely used in accordance with the following prescribed conditions:

(a) It is used to generate phosphine in the fumigation of animal feeds.

(b) To assure safe use of the additive, it is used in compliance with the label and labeling conforming to that registered with the U.S. Environmental Protection Agency. The labeling shall bear a warning to aerate the finished feed for 48 hours before use. A further warning shall state that under no condition should the formulation containing magnesium phosphide be used so that it or its unreacted residues will come in contact with any processed feed.

(c) Residues of phosphine in or on animal feeds do not exceed 0.1 part per million.

[FR Doc. 78-33468 Filed 11-29-78; 8:45 am]

[4910-14-M]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-47]

PART 110—ANCHORAGE REGULATIONS

Special Anchorage Area, Buffalo, N.Y.; Correction

AGENCY: Coast Guard, DOT.

ACTION: Final Rule, Correction.

SUMMARY: In FR Doc. 78-22336 published in the FEDERAL REGISTER of August 10, 1978, (43 FR 35480), the section heading for the Buffalo, N.Y. Special Anchorage area was incorrectly printed as § 110.84a. On page 35480, third column, of the FEDERAL REGISTER dated August 10, 1978 the section number is corrected to read "§ 110.84b".

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Howard E. Snow, Project Manager, Office of Marine Enivronment and Systems (G-WLE/73), Room 7315, Department of Transportation, Nassif Building 400 Seventh Street, SW., Washington, D.C. 20590, (202-426-1934).

Dated: November 24, 1978.

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

[FR Doc. 78-33527 Filed 11-29-78; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 976-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a revision to the Massachusetts State Implementation Plan (SIP) which extends the expiration date of Regulation 5.1, "Sulfur Content of Fuels and Control Thereof," from July 1, 1978 to July 1, 1979 in the Metropolitan Boston Intrastate Air Quality Control Region (AQCR). The regulation, which temporarily relaxed the sulfur limitations for fossil fuels burned by large sources in the Metropolitan Boston Intrastate AQCR, was previously approved by EPA in FEDERAL REGISTER notices published on December 5, 1975 and August 22, 1977. No other provisions of the regulation are changed.

EFFECTIVE DATE: November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Deborah Ikehara, Air Branch, EPA Region I, Room 2113, JFK Federal Building, Boston, Massachusetts 02203, 617-223-5609.

SUPPLEMENTARY INFORMATION: On June 22, 1978, the Regional Administrator published in the FEDERAL REGISTER (43 FR 26757) a notice of proposed rulemaking proposing approval of a revision to the Massachusetts State Implementation Plan. The SIP revision, submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) on April 20, 1978, changes the expiration date of Regulation 5.1,

"Sulfur Content of Fuels and Control Thereof," from July 1, 1978 to July 1, 1979 for the Metropolitan Boston Intrastate Air Quality Control Region.

Regulation 5.1 was first approved as a temporary revision to the Massachusetts SIP on December 5, 1975 (40 FR 56889). The regulation permits fossil fuel utilization facilities located in the cities and towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton, Somerville, Waltham, and Watertown having an energy input capacity of two and one-half billion Btu per hour or greater to burn fossil fuel with a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1.0% sulfur content residual fuel oil by weight). All other sources located in these cities and towns are continuing to burn fossil fuel with a sulfur content not in excess of 0.28 pounds per million Btu heat release potential (approximately equivalent to 0.5% sulfur content residual fuel oil by weight), in accordance with the original SIP regulation. For other towns in the AQCR, facilities having an energy input capacity of one hundred million Btu per hour or greater are permitted to burn fossil fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content residual fuel oil by weight), and other sources are limited to burning fossil fuel with a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1.0% sulfur content residual fuel oil by weight), in accordance with the original SIP regulation.

A SIP revision approved by the Administrator on August 22, 1977 (42 FR 42218) extended the effective period of Regulation 5.1 from July 1, 1977 to July 1, 1978.

The additional one-year extension being approved today gives the regulation an effective period of 3 years and 7 months, from December 5, 1975 to July 1, 1979.

No other provisions of the regulation are changed. All sources must be reviewed by the Massachusetts Department and be granted a permit prior to burning the higher sulfur content fuel. Approval is contingent on a demonstration by the source of its ability to comply with applicable regulations, including the particulate emission limitations (compliance to be determined by emission testing) and the opacity regulations. In no case would a source be allowed to continue burning higher sulfur content fuel if its particulate emissions exceed the regulatory limits of the SIP. Any violation of applicable state regulations or of the National Ambient Air Quality Standards (NAAQS) within the area of impact of a source will result in revocation of the permit and a mandatory return by that source to a lower sulfur fuel.

The Eastman Gelatin facility in Peabody, Massachusetts was required to convert back to the lower sulfur content fuel because of contributions by that source to recorded violations of the NAAQS for total suspended particulates (TSP); consequently, the source must continue burning 1.0% sulfur content oil during the period of the extension.

Analyses performed by the Massachusetts Department indicate that other sources burning higher sulfur content fuel have had negligible impact on TSP violations. There have been no violations of the NAAQS for sulfur dioxide (SO_2) in the Metropolitan Boston Intrastate AQCR since the regulation has been in effect.

During the 30-day public comment period following the FEDERAL REGISTER proposal, comments were received from 2 sources, both of which are affected by the revision. They supported EPA's proposed approval.

After evaluation of the State's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts Implementation Plan.

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

Dated: November 14, 1978.

DOUGLAS M. COSTLE,
Administrator.

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

Subpart W—Massachusetts

1. In § 52.1120(c), subparagraph (6) is amended by inserting "and April 20, 1978" after the date "April 1, 1977".

[FR Doc. 78-33465 Filed 11-29-78; 8:45 am]

[6560-01-M]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 1016-2; PP 7E1973/R183]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,6-Dichloro-4-Nitroaniline

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the fungicide 2,6-dichloro-4-nitroaniline on endive (escarole).

The regulation was requested by the Interregional Research Project No. 4. This rule establishes a maximum permissible level for residues of the fungicide on endive (escarole).

EFFECTIVE DATE: Effective on November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC 20460. (202/755-4851).

SUPPLEMENTARY INFORMATION: On September 11, 1978, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (43 FR 40249) in response to a pesticide petition (PP 7E1973) submitted to the Agency by the Interregional Research Project No. (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and Agricultural Experiment Station of New York. This petition proposed that 40 CFR 180.200 be amended by the establishment of a tolerance for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity endive (escarole) at 10 parts per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.200 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before January 2, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Room M-3708, 401 M St., SW, Washington, DC 20460. Such objections should be submitted and should specify both provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issue for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on November 30, 1978, Part 180, Subpart C, § 180.200 is amended by adding a tolerance for residues of 2,6-dichloro-4-nitroaniline on endive (escarole) at 10 ppm as set forth below.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

Dated: November 22, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.200 is revised in its entirety by editorially reformatting the section into an alphabetized columnar listing and alphabetically inserting the new tolerance of 10 ppm on escarole (endive) as follows:

§ 180.200 2,6-dichloro-4-nitroaniline; tolerances for residues.

Tolerances are established for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the following raw agricultural commodities:

Commodity	*Parts per million*
Apricots	20
Beans, snap	20
Blackberries	15
Boysenberries	15
Carrots (POST-H)	10
Celery	15
Cherries, sweet (PRE- & POST-H)	20
Cottonseed	0.1
Cucumbers	5
Endive (escarole)	10
Garlic	5
Grapes	10
Lettuce	10
Nectarines	20
Onions	5
Peaches	20
Plums (fresh prunes) (PRE- & POST-H)	15
Potatoes	0.25
Raspberries	15
Rhubarb	10
Sweet potatoes	10
Tomatoes	5

Unless otherwise specified, the tolerances prescribed in this section provide for residues from preharvest application only.

[FR Doc. 78-33469 Filed 11-29-78; 8:45 am]

[6560-01-M]

[FRL 1015-8; PP 7F1985/R182]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Magnesium Phosphide

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the fumigant phosphine resulting from application of magnesium phosphide. The regulation was requested by Phostoxin Sales, Inc. This rule establishes maximum permissible levels for residues of phosphine on a variety of raw agricultural commodities.

EFFECTIVE DATE: November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. William Miller, Product Manager (PM) 16, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, D.C. 20460 (202/755-3915).

SUPPLEMENTARY INFORMATION: On October 27, 1977, notice was given (42 FR 56643) that Phostoxin Sales, Inc., 2221 Poplar Blvd., PO Box 469, Alhambra, Calif. 98102, had filed a pesticide petition (PP 7F1985) with the EPA.

This petition proposed that 40 CFR 180 be amended to establish tolerances for residues of the fumigant phosphine from the use of magnesium phosphide in or on the raw agricultural commodities almonds, barley, Brazil nuts, cashews, cocoa beans, coffee beans, corn, cottonseed, dates, filberts, millet, oats, peanuts, pecans, pistachio nuts, popcorn, rice, rye, sorghum, soybeans, sunflower seed, walnuts, and wheat at 0.1 part per million (ppm).

No comments were received in response to this notice of filing. (A related document establishing food and feed additive regulations for residues of phosphine appears elsewhere in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included acute and subacute inhalation studies of phosphine on various animal species. No chronic toxicity data for phosphine residues have been reviewed because such studies are deemed unnecessary for the following reasons:

(1) An Acceptable daily intake (ADI) cannot be determined for phosphine since a chronic-feeding study for a gas is difficult if not impossible to achieve.

(2) Only extremely small quantities of residues remain on treated food after aeration.

(3) The small quantities of residues that remain would be further reduced through routine follow-up procedures, such as, processing and cooking.

No data have been reported in previous petitions, nor in this one, regarding the transfer of residues resulting from the proposed use to meat, milk, poultry, and eggs. Because phosphine is a highly reactive and fugitive gas, residues of phosphine are not expected in meat, milk, poultry, and eggs as delineated in 40 CFR 180.6(a)(3). An adequate analytical method (colorimetry) is available for enforcement purposes. Tolerances have previously been established (40 CFR 180.225) for residues of phosphine resulting from the use of aluminium phosphide on a variety of raw agricultural commodities at levels ranging from 0.01 ppm to 0.1 ppm. No regulatory action is pending against continued registration of phosphine, nor is any additional information needed. The proposed tolerances are adequate because of the very low probability of actual exposure to toxicologically significant quantities of phosphine gas from the application of magnesium phosphide.

The pesiticide is considered useful for the purpose for which tolerances are sought, and it is concluded that the tolerances of 0.1 ppm on the above raw agricultural commodities established by amending 40 CFR 180 will protect the public health. It is concluded, therefore, that the tolerances be established as set forth below.

Any person adversely affected by this regulation may, on or before January 30, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Room M-3708, 401 M Street, SW., Washington, D.C. 20460. Such objections should be submitted and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on November 30, 1978, Part 180 is amended as set forth below.

(Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2).)

Dated: November 22, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180 is amended by adding the new section 180.375 to read as follows:

§ 180.375 Magnesium phosphide; tolerances for residues.

Tolerances are established for residues of the fumigant phosphine in or on the following raw agricultural commodities from postharvest treatment with magnesium phosphide:

Commodity	*Parts per million*
Almonds	0.1
Barley	0.1
Brazil nuts	0.1
Cashews	0.1
Cocoa beans	0.1
Coffee beans	0.1
Corn	0.1
Corn, pop	0.1
Cottonseed	0.1
Dates	0.1
Filberts	0.1
Millet	0.1
Oats	0.1
Peanuts	0.1
Pecans	0.1
Pistachio nuts	0.1
Rice	0.1
Rye	0.1
Sorghum	0.1
Soybeans	0.1
Sunflower seeds	0.1

Commodity	Parts per million
Walnuts	0.1
Wheat	0.1

[FR Doc. 78-33467 Filed 11-29-78; 8:45 am]

[4910-60-M]

Title 49—Transportation

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

[Docket No. HM-162; Amdt. No. 173-122]

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Metric Equivalence for Quantity Limitations

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

ACTION: Final rule.

SUMMARY: This amendment authorizes, for quantity limitations that are now specified by U.S. liquid measure or avoirdupois weight in 49 CFR, Parts 171-178, the use of metric measures on an equivalent basis and up to and including one liter per quart and 500 grams per pound. The amendment permissively extends to quantities of 110 gallons or less and 1000 pounds or less. This amendment is issued to facilitate conversion to metric measurements utilized domestically and internationally in the packaging and transportation of various commodities, including materials classed by the Department as hazardous materials.

EFFECTIVE DATE: January 15, 1979.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking on this subject was published in the FEDERAL REGISTER on June 29, 1978 (43 FR 28216). The Notice was based on a petition received from the Manufacturing Chemists Association requesting revision to section 173.26(a) of the Department's Hazardous Materials Regulations to facilitate conversion to metric measurements in the transportation of hazardous materials. In setting forth the proposal, the Materials Transportation Bureau (the Bureau) expressed the view that the changes proposed would have no adverse effect on the safe transportation of hazardous materials and would be of considerable assistance to shippers converting to systems of metric measurement for both domestic and international purposes, and that the proposed change to the regulations, if adopted, would not impose any additional costs on packaging manufacturers or shippers since use of the provisions of section 173.26 is optional.

The comments received ranged from full support of the proposed amendment, to total objection. Many commenters pointed out that the symbol (rather than abbreviation) for a milliliter is mL rather than ml, and a change has been made accordingly. Several commenters failed to note that application of section 173.26(a) is permissive rather than mandatory. One commenter stated: "Although 1 quart may be rounded to 1 litre, in fact, 1 quart equates to .946 352 9 litre (Standard for Metric Practice ASTM E 380-76E). Therefore, all present U.S. liquid volume measures will be increased by 5.7 percent. This percent increase is unacceptable for packages exceeding 1 gallon." The commenter did not indicate why the increase is unacceptable and apparently missed the point that the application of the regulation is optional. If his particular industry group finds its use unacceptable, they should not use it. The same commenter said:

> This stated "increase" in measure will put the petroleum industry in conflict with, among others, CFR-49 178.116-2 which states: "Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent." I select this "rated capacity" since the DOT-17E specification was the illustration used in Notice No. 78-9. But this will hold for nearly all rated capacities over the current regulation which reads: "1 gallon for liquids and 10 pounds for solids." As the size of the container increases, the absolute percent will remain constant but the actual discrepancy in gallons will increase. Under accepted conversion standards, there would be 5.9 gallons less in a container at 110 U.S. gallons than the stated metric equivalent under the proposed rule making.

It is not clear 1what the accepted conversion standards are that are alluded to by the commenter. However, if his concern is in regard to a reduction in safety because of a change in outage, it should be noted that four percent of 220 L is 8.8 L while four percent of 208 L (approximately 55 gallons) is 8.32 L. Therefore, a 220 L drum will require greater minimum outage than a 208 L drum.

The commenter did not illustrate an unsafe condition that would be created by the proposal. However, we accept his comment for further study concerning the validity of all the outage requirements considering recently adopted filling restrictions set forth in various shipping sections of the regulations, such as section 173.116(b) for flammable liquids.

Two commenters, associated with aviation, expressed opposition to the proposal based on the confusion that would be created by the use of metric measurements and the possibility that it would contribute to possible overloading of aircraft. In responding to the comments, we assume the commenters are referring primarily to the information contained in the shipping documents. For many years, the regulations have authorized the display of metric quantity measurements on shipping documents. At the present time, section 172.202(a)(4) does not preclude weight being entered in kilograms and volume and liters, and many shipments, particularly those in international commerce, are presently shipped and documented using metric measurement. The Bureau believes that it has become necessary for all persons involved in commerce to become acquainted with metric measurements whether hazardous materials are involved or not. Consistent with this view, the Department of Transportation is entering into an effort to familiarize its enforcement personnel with the metric equivalents that are authorized by this amendment.

One commenter pointed out that the conversion factor should not be applicable to radioactive materials since different conditions could be produced relative to the original analysis and would, therefore, require new criticality and radiation evaluations. The commenter has raised a point that was overlooked in preparation of the proposal. It was not intended that § 173.26 apply to regulations containing specific conversions such as § 173.396, or § 178.24a which specifies the requirements for DOT Specification 2E. Therefore, the word "only" has been added to the first sentence of the rule in two places to limit its application to those regulations containing only limitations specified in U.S. liquid measures or avoirdupois weight.

A commenter recommended that the Bureau clarify that the purposes of this rulemaking are to make it possible to manufacture, mark, and test "metric capacity" containers and state that the new rule does not mandate that a 5-gallon pail must be made to hold 20 liters nor 55-gallon drums made to hold 220 liters. The commenter's request has merit. A literal interpretation of the proposal may result in a conclusion that the only basis for utilization of metric quantities would be at specifically one liter per quart or 500 grams per pound. This was not intended. It was the Bu-

reau's intent that metric equivalents up to the limitations specified in the proposal may be utilized and the first sentence of the rule has been modified to indicate that metric units may be substituted on an equivalent basis and up to and including one liter per quart and 500 grams per pound. This same commenter requested that the language of § 173.26 be adjusted to reflect that changes in steel thicknesses are not required for the equivalent metric sizes. The Bureau does not consider such an additional provision to be necessary since there is no implication in the rule to indicate such a requirement. For example, § 178.116-6 contains a table indicating marked capacities in gallons. This amendment permits the conversion of the gallons entries to metric equivalents on the basis of one liter per quart. Therefore, the 10-gallon entry may be considered to read "40 liters" without any change to the minimum thicknesses specified. Tables of this type were taken into account during development of the proposal. The Bureau considers that the performance tests specified are sufficient to maintain overall container integrity and that puncture resistance continues to be accomplished through the specification of minimum thicknesses.

The United States Environmental Protection Agency submitted comments stating:

> Administratively, the change is small and EPA certainly encourages the utilization of the metric system whenever and wherever feasible. However, without more evidence than is presented in the notice of proposed rulemaking, EPA must seriously question the wisdom of this proposal from a public health and environmental quality viewpoint.
>
> In the existing regulations the maximum quantities eligible for substitution are 1 gallon of liquids and 10 pounds of solids. The allowable 5 and 10 percent, respectively, increases allowed by conversion to metric measurements at these levels would indeed be insignificant. However, when the maximum limits are raised to 110 gallons of liquids and 1,000 pounds of solids, the difference between the United States measurement system and the metric system conversions specified becomes significant, viz., 6 gallons for liquids and 100 pounds for solids. Considering the variety of hazardous materials and containers eligible under this regulation it does not appear to be a simple matter. In the event of an accidental release and under certain circumstances it seems possible that such increases could significantly affect public health and the environment. EPA believes that more thought and analysis needs to be completed prior to proceeding further under this docket.

The Bureau does not agree that further thought and analysis is needed concerning this rulemaking. At its inception, full consideration was given to the increases being authorized and the preamble to Notice 78-9 contained a reference to the Bureau's agreement with the petitioner that such a provision would have a negligible effect on safety. The Bureau continues to agree with the petitioner and believes that the adoption of the amendment contained herein will have no significant effect on the safe transportation of hazardous materials. It should be noted that when metric measurements are used, packagings must be tested accordingly. This means that a DOT Specification 17E drum marked "220 L" must meet the test requirements specified in section 178.116-12 at 98 percent of its increased capacity and not based on 55 gallons, or approximately 208 liters capacity. The same holds true for other specifications for which test requirements are specified. The Bureau is satisfied that the conversion limitations permitted by this amendment will not have any significant impact on safety from the standpoint of public health or environmental quality, considering all the limitations and conditions specified in the regulations.

The primary drafter of this document is Alan I. Roberts, Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration.

In consideration of the foregoing, Title 49 Code of Federal Regulations, Part 173 is amended as follows:

In § 173.26 the Heading and paragraph (a) are revised to read as follows:

§ 173.26 Quantity limitations and metric measurements.

(a) When quantity limitations are specified in this subchapter only by U.S. liquid measure for 110 gallons or less, or only by avoirdupois weight for 1,000 pounds or less, quantities measured in metric units may be substituted on an equivalent basis and up to and including one liter per quart and 500 grams per pound. When metric measurements are used, specification packagings must be marked to indicate their use and must be tested accordingly. Symbols for metric markings are L for liter, mL for milliliter, kg for kilogram, and g for gram.

* * * * *

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

NOTE.—The Materials Transportation Bureau has determined that this final regulation will not have a major economic impact under the terms of Executive Order 12044 and Department of Transportation implementing procedures (43 FR 9582). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C. on November 17, 1978.

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

[FR Doc. 78-33220 Filed 11-29-78; 8:45 am]

[3510-22-M]

Title 50—Wildlife and Fisheries

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

PART 222—ENDANGERED FISH OR WILDLIFE

PART 227—THREATENED FISH AND WILDLIFE

Emergency Regulations Declaring the Port Canaveral Navigation Channel a Restricted Fishing Area; Correction

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Temporary emergency regulations; correction.

SUMMARY: This document corrects emergency regulations declaring the Port Canaveral Navigation Channel a restricted fishing area appearing in the FEDERAL REGISTER of Wednesday, November 22, 1978 at 43 FR 54639.

FOR FURTHER INFORMATION CONTACT:

William P. Jensen, 202-634-7461.

In FR Doc. 78-32796 appearing at page 54639 in the issue for Wednesday, November 22, 1978, in the third column of page 54640, line 3 of the last paragraph now reading "1 and April 1 the use of any trawl gear * * *", should have read "1 and April 1 the use of any commercial trawl gear * * *".

Dated: November 24, 1978.

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 78-33730 Filed 11-29-78; 10:09 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.

[1505-01-M]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[7 CFR Part 416]

PEA CROP INSURANCE

Regulations for the 1979 and Succeeding Crop Years

Correction

In FR Doc. 78-31940, appearing on pages 52723 through 52728, in the issue of November 14, 1978, the following four corrections should be made:

1. In § 416.5 *Creditors,* appearing on page 52725 in the first column, the third line should read "by virtue of a lien, mortgage, garnish."

2. In § 416.5 *Creditors,* appearing on page 52725 in the center column, the last line should read "policy set forth in § 416.8."

3. In § 416.8 *The policy,* subsection 7(c), appearing on page 52727 in the table entitled "Adjustments for Unfavorable Insurance Experience," the first line in the second section thereof has been omitted and should be inserted to read as follows:

"1.10-1.19 100 100 100 103 104 106 108 110 110 111 115"

4. In § 416.8 *The policy,* subsection 9(c), appearing on page 52727 in the center column, the third line should read "indemnity is to be claimed on any unit of green."

[3410-02-M]

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-383]

RUBY SEEDLESS GRAPES GROWN IN CALIFORNIA

Hearing on Proposed Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public Hearing On Proposed Rulemaking.

SUMMARY: The hearing is being held to consider a proposed marketing agreement and order regulating the handling of Ruby Seedless grapes grown in California. The principal proposals to be considered would: (1) Establish a Ruby Seedless Grape Committee of producers and a public member to assist the Secretary of Agriculture in administering the proposed program; (2) authorize quality, container and pack regulations; and (3) authorize the committee to establish and carry out market research and development projects and promotion research. Other proposals included relate mainly to administrative procedures and provisions.

DATES: The hearing will be held February 1-2, 1979, at the location listed under address below.

ADDRESS: The hearing will be held in the California Room of the Reedley Community Center, 100 N. East Avenue, Reedley, Calif.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held at Reedley, Calif., at 9:00 a.m., local time in the California Room, Reedley Community Center, 100 N. East Avenue, Reedley, Calif., with respect to a proposed marketing agreement and order regulating the handling of Ruby Seedless grapes grown in California. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The hearing is called 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).

The public hearing is for the purpose of:

(a) Receiving evidence with respect to the economic and marketing conditions which relate to the proposed marketing agreement and order, hereinafter set forth, and any appropriate modifications thereof;

(b) Determining whether the handling of Ruby Seedless grapes grown in the proposed production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce;

(c) Determining whether there is a need for a marketing agreement or order regulating the handling of Ruby Seedless grapes grown in such area; and

(d) Determining whether provisions specified in the proposal or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the act.

A proponent group of California Ruby Seedless grape producers submitted, and requested the hearing on the proposed marketing agreement and order, the provisions of which are as follows (the sections identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed marketing order):

DEFINITIONS

§ ——.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department who is or who may hereafter be authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ ——.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ ——.3 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ ——.4 Production area.

"Production area" means the State of California.

§ ——.5 Grapes.

"Grapes" means all strains of Ruby Seedless grapes grown in the production area.

§ ——.6 Producer.

"Producer" is synonymous with grower and means any person engaged in a proprietary capacity in the production of grapes for the fresh market.

§ ——.7 Handle.

"Handle" is synonymous with "ship" and means to sell, consign, deliver, or transport grapes or cause grapes to be sold, consigned, delivered, or transported in the current of commerce between any point within the production area and any point outside thereof, or within the production area. The term "handle" also means to deliver grapes to a refrigerated storage warehouse for storage purposes, either within the production area or outside thereof. The term "handle" shall not include the sale of grapes on the vine or the transportation of grapes from a vineyard, or a packing shed within the production area, to a packing shed within the production area.

§ ——.8 Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting grapes owned by another person) who handles grapes.

§ ——.9 Fiscal year.

"Fiscal year" is synonymous with crop year and means the 12 month period beginning April 1 of any year and ending on March 31 of the following year, both dates inclusive, or such other period as the committee, with the approval of the Secretary, may prescribe.

§ ——.10 Committee.

"Committee" means the Ruby Seedless Grape Committee established pursuant to § ——.20.

§ ——.11 District.

"District" means the State of California, or such subdivisions thereof as may be prescribed pursuant to § ——.31(k).

§ ——.12 Pack.

"Pack" means (a) to place grapes into containers for shipment to market as fresh grapes and to deliver containers of grapes to a packing platform or shed or to a vehicle for transportation to market or storage, or (b) to place grapes into a shipping container in a packing shed: *Provided*, That, when used in and with respect to §§ ——.51 to ——.55, inclusive, such term shall mean the specific arrangement, weight, grade or size, including the uniformity thereof, of the grapes within a container.

§ ——.13 Container.

"Container" means a box, lug, crate, carton, or any other receptacle used in packing grapes for shipment as fresh grapes and includes the dimensions, capacity, weight, marking, and any pads, liners, lids, and any or all appurtenances thereto or parts thereof. The term applies, in the case of grapes packed in consumer packages, to the master receptacle and to any and all packages therein.

§ ——.14 Part and subpart.

"Part" means the Order Regulating the Handling of Ruby Seedless Grapes Grown in California and all rules and regulations and supplementary orders issued thereto. The aforesaid Order Regulating the Handling of Ruby Seedless Grapes Grown in California shall be a "subpart" of such part.

ADMINISTRATIVE BODY

§ ——.20 Establishment and membership.

There is hereby established a Ruby Seedless Grape Committee consisting of 9 members, each of whom shall have an alternate who shall have the same qualifications as the member. Producer members and their alternates shall be growers in the production area or employees of such growers. One member and alternate shall be a public member who shall meet the eligibility requirements set forth in § ——.22. The Secretary, on recommendation of the committee, may change the number of members on the committee.

§ ——.21 Term of office.

The term of office of each member and alternate member of the committee shall be for two years beginning on April 1 of an odd numbered year and ending on March 31 of an odd numbered year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ ——.22 Eligibility.

Each producer member of the committee shall, at the time of selection and during the term of office, be a producer in the district for which selected. The public member of the committee, at the time of selection and during the term of office, shall not have a direct financial interest in or be closely associated with the production, processing, financing or marketing (except as consumers) of Ruby Seedless grapes.

§ ——.23 Nominations.

(a) *Initial members.* Nominations for each of the initial members, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by the committee responsible for promulgation of this part. Such nominations may be made by means of a meeting or meetings of the growers in the production area. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided in § ——.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than February 15 of each odd numbered year, a meeting or meetings of growers in each district for the purpose of designating nominees for successor members and alternate members of the committee. These meetings shall be supervised by the committee which shall prescribe such procedure as shall be reasonable and fair to all persons concerned.

(2) Only growers who are present at each such nomination meeting, or who are represented by duly authorized representatives approved by the committee, may participate in the nomination and election of nominees for members and their alternates. Each grower in attendance, or authorized representative of a grower, shall be entitled to cast only one vote, regardless of the number of business units the grower may represent, for each nominee to be selected.

(3) A particular grower, including officers or employees of such growers, shall be eligible for membership as member or alternate to fill only one position on the committee.

(4) The committee may appoint a subcommittee to select nominees for the public member and alternate member positions on the committee. The committee shall prescribe such procedure for the selection and voting for each candidate as shall be fair to all persons concerned.

§ ——.24 Selection.

From the nominations made pursuant to § ——.23, or from other qualified persons, the Secretary shall select the nine members of the committee and an alternate for each such member.

§ ——.25 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § ——.23, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § ——.20.

§ ——.26 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with

the Secretary promptly after being notified of such selection.

§ ——.27 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in § ——.23 and § ——.24. If the names of the nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in § ——.20.

§ ——.28 Alternate members.

An alternate member shall act in the place of the member during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, the alternate shall act for the member until a successor for such member is selected and has qualified. In the event that neither the member or that member's alternate are able to attend a committee meeting, the member or committee members present may designate any other alternate to serve in such member's place at that meeting provided such action is necessary to secure a quorum.

§ ——.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ ——.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent public accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to grapes;

(i) To submit to the Secretary the same notice of meetings of the committee as is given to its members;

(j) To submit to the Secretary such available information as he may request;

(k) With the approval of the Secretary, to divide the production area into districts, and to redefine such districts, and, further, to apportion the representation on the committee among the districts or to reapportion such representation among the districts.

§ ——.32 Procedure.

(a) Six members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require the concurring vote of the majority of those present: *Provided,* That actions of the committee with respect to expenses and assessments, or recommendations for regulations pursuant to §§ —.50 to ——.55 shall require at least six concurring votes.

(b) The committee may vote by telephone, telegraph, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided,* That voting other than in an assembled meeting shall require two-thirds affirmative vote of the committee in order to constitute approval. If an assembled meeting is held, all votes shall be cast in person. Recommendations for regulation pursuant to §——.50 and recommendations for assessments pursuant to §——.41 may be made only at an assembled meeting.

§ ——.33 Expenses and compensation.

The members of the committee, and alternates when acting as members, shall serve without compensation but shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part: *Provided,* That the committee at its discretion may request the attendance of one or more alternates at any or all meetings notwithstanding the expected or actual presence of the respective members and may pay expenses as aforesaid.

§ ——.34 Annual report.

The committee shall, as soon as is practicable after the close of each marketing season, prepare and mail an annual report to the Secretary and make a copy available to each grower and handler who requests a copy of the report.

EXPENSES AND ASSESSMENTS

§ ——.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part. The funds to cover such expenses shall be acquired in the manner prescribed in §——.41

§ ——.41 Assessments.

(a) Each person who first handles grapes 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 the committee during a fiscal year. 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) The Secretary shall fix the rate of assessment to be paid by each such person during a fiscal year in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such year and to accumulate and maintain a reserve fund equal to approximately one fiscal year's expenses. At any time during or after a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later findings by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all grapes handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal year before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assess-

ments in advance, and may also borrow money for such purpose.

(c) Any assessment not paid by a handler within a period of time prescribed by the committee may be subject to an interest or late payment charge, or both. The period of time, rate of interest, and late payment charge shall be as recommended by the committee and approved by the Secretary. Subsequent to such approval, all assessments not paid within the period of time prescribed shall be subject to the interest or late payment charge, or both.

§——.42 Accounting.

If, at the end of a fiscal year the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal years as a reserve: *Provided,* That funds already in the reserve do not exceed approximately one fiscal year's expenses. Such reserve funds may be used (a) to cover any expenses authorized by this part and (b) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal year or be paid such refund. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That, to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

RESEARCH

§——.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and comsumption or efficient production of grapes. The expense of such projects shall be paid by funds collected pursuant to §——.41.

REGULATIONS

——.50 Marketing policy.

Each season prior to making any recommendations pursuant to §——.51, the committee shall submit to the Secretary a report seeting forth its marketing policy for the ensuing marketing season. such marketing policy report shall contain information relative to:

(1) The estimated total production of grapes within the production area;

(2) The expected general quality of grapes in the production area;

(3) The expected demand conditions for grapes;

(4) The expected shipments of grapes produced in the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of grapes; and

(8) The type of regulations expected to be recommended during the marketing season.

§ ——.51 Recommendation of committee.

(a) Whenever the committee deems it advisable to regulate the handling of grapes in the manner provided in §——.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for Ruby Seedless grapes during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request. The committee shall promptly give adequate notice to the handlers and growers of any such recommendation submitted to the Secretary.

§ ——.52 Establishment of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of grapes whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit during any period or periods the shipments of any particular grade, size, quality, maturity, or pack, or any combination thereof, of grapes grown in the production area;

(2) Limit the shipment of grapes by establishing in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, markings, or pack of the container, or containers, which may be used in the packaging or handling of grapes.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary and the committee shall promptly give notice thereof to handlers.

§ ——.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § ——.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds from the recommendations and information submitted by the committee, or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of grapes in order to effectuate the declared policy of the act, he shall modify, suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ ——.54 Special purpose shipment.

(a) Except as otherwise provided in this section, any person may without regard to the provisions of §§ ——.41, ——.51, ——.52, and ——.54 and the regulations issued thereunder, handle grapes (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information the Secretary may relieve from any or all requirements, under or established pursuant to §§ ——.41, ——.51, ——.52, and ——.54, the handling of grapes for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § ——.45), or in such minimum quantities or types of shipments, as may be prescribed.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent grapes handled under provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle grapes pursuant to this section, and that such application be accompanied by a certification by the intended purchaser or receiver that the grapes will not be used for any purpose not authorized by this section.

§ ——.55 Inspection and certification.

(a) Whenever the handling of any variety of grapes is regulated pursuant to §§ ——.52 or ——.53, each handler who handles grapes shall, prior thereto, cause such grapes to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall not be required for grapes which previously have been so inspected and certified if such prior inspection was performed within such period as may be established pursuant to paragraph (b) of this section. Promptly after inspection and certification, each such handler shall submit or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such grapes. The committee may, with the approval of the Secretary, prescribe rules and regulations waiving the inspection requirements of this section where it is determined that inspection is not available: *Provided*, That all shipments made under such waiver shall comply with all regulations in effect.

(b) The committee may, with the approval of the Secretary, establish a period prior to shipment during which the inspection required by this section must be performed.

(c) The committee may enter into an agreement with the Federal and Federal-State Inspection Services with respect to the costs of the inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata share of such costs.

REPORTS

§ ——.60 Reports.

(a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, each shipment of grapes as follows:

(1) The name of the shipper and the shipping point;

(2) The car or truck license number (or name of the trucker), and identification of the carrier;

(3) The date and time of departure;

(4) The number and type of containers in the shipment;

(5) The destination;

(6) Identification of the inspection certificate or waiver pursuant to which the fruit was handled.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) Each handler shall maintain for at least two succeeding fiscal years, such records of the grapes received and disposed of by such handler as may be necessary to verify the reports such handler submits to the committee pursuant to this section.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided*, That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handler furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ ——.61 Compliance.

Except as provided in this part, no person shall handle grapes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle grapes except in conformity with the provisions of this part and the regulations issued under this part.

§ ——.62 Right of the Secretary.

The members of the committee (including successors and alternates) and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ ——.63 Effective time.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § ——.64.

§ ——.64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part whenever he finds by referendum or otherwise that such termination is favored by a majority of the growers: *Provided*, That such majority has, during the current marketing season, produced more than 50 percent of the volume of grapes which were produced within the production area for shipment in fresh form. Such termination shall become effective on the first day of April subsequent to the announcement thereof by the Secretary.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ ——.65 Proceedings after termination.

Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustee of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) From time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and

(3) Upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ ——.66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part; or

(b) Release or extinguish any violation of this part, or

(c) Affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ ——.67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ ——.68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as agent or representative in connection with any of the provisions of this part.

§ ——.69 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States:

(a) To exercise any powers granted by the act or otherwise; or

(b) In accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ ——.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ ——.71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ ——.72 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. * * *

§ ——.73 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by such handler and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. * * *

§ ——.74 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of Ruby Seedless grapes in the same manner as is provided for in this agreement. * * *

Copies of this notice may be obtained from the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, or from Charles Fuqua, USDA-AMS, Federal Building, 1130 "O" Street, Room 3114, Fresno, California 93721.

Signed at Washington, D.C., on November 24, 1978.

JAMES E. SPRINGFIELD,
Acting Deputy Administrator, Marketing Program Operations.

[FR Doc. 78-33511 Filed 11-29-78; 8:45 am]

[4410-10-M]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 235]

ADJUSTMENT OF STATUS FOR CERTAIN ALIENS PAROLED INTO THE UNITED STATES AS REFUGEES PRIOR TO SEPTEMBER 30, 1980

Implementation of Pub. L. 95-412

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This Notice of Proposed Rule Making proposes amendments to the regulations of the Immigration and Naturalization Service. These proposed regulations are necessary and intended to implement recently enacted legislation. The first amendment will enable an eligible alien paroled into the United States as a refugee prior to September 30, 1980 to adjust his status to that of a lawful permanent resident after he has resided in the United States for two years. The second amendment will permit an eligible alien paroled into the United States as a refugee prior to September 30, 1980 who has acquired lawful permanent residence status under some other statutory provision to have his date of admission for permanent residence recorded as of the date of which he was initially paroled into the United States as a refugee.

DATES: Representations must be received on or before January 30, 1979.

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

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536. Telephone: (202) 376-8373

SUPPLEMENTARY INFORMATION: It is proposed to amend 8 CFR 235.9(e); to add a new 8 CFR 235.9(f) and to revise existing 8 CFR 235.9(f) and redesignate it as 8 CFR 235.9(g). The proposed amendments are necessary to implement section 5 of Pub. L. 95-412 which was approved by the President on October 5, 1978.

Section 5 of Pub. L. 95-412 provides that "Notwithstanding any other provision of law, any refugee, not otherwise eligible for retroactive adjustment of status, who was or is paroled into the United States by the Attorney General pursuant to section 212(d)(5) of the Immigration and Nationality Act before September 30, 1980, shall have his status adjusted pursuant to the provisions of section 203(g) and (h) of that Act."

Under this new law, an alien who was paroled into the United States as a refugee prior to September 30, 1980, may, after having resided in the United States for a period of two years, have his status adjusted to that of a lawful permanent resident. This legislation makes aliens who were paroled into the United States as refugees eligible for adjustment of status to permanent resident under the same conditions as refugees who came into this country as conditional entrants who have resided in this country for two years. It is proposed to revise 8 CFR 235.9(e) and redesignate 8 CFR 235.9(f) as 8 CFR 235.9(g), and revise it, to implement this aspect of the legislation.

It is also proposed to add a new 8 CFR 235.9(f) to the regulations to provide that an alien paroled into the United States as a refugee prior to September 30, 1980 who has already adjusted his status to that of a lawful permanent resident may apply to have

his date of permanent residence "rolled back" and recorded as of the date the person was initially paroled into the United States as a refugee.

There are currently two statutory provisions under which an alien who was paroled into the United States as a refugee and subsequently adjusted his status may apply to have his date of admission for permanent residence "rolled back" and recorded as of the date of his initial parole into the United States as a refugee. The first provision is included in section 2 of the Cuban Refugee Adjustment Act of 1966, Pub. L. 89-732, 80 Stat. 1161, and the second is included in section 103 of the Indochinese Refugee Adjustment Act of 1977, Pub. L. 95-145, 91 Stat. 1223. These two groups are the only refugee parolees currently eligible for this benefit. The Congress enacted section 5 of Pub. L. 95-412 to provide this same "roll back" benefit to all refugee parolees paroled into the United States prior to September 30, 1980 for the purpose of removing the inequity in the current law under which certain refugee parolees are eligible for a "roll back" of their date of admission for permanent residence while other refugee parolees for whom specific refugee adjustment legislation has not been enacted, are not eligible. This provision of law and regulation will provide refugee parolees generally the same eligibility for a "roll back" of their date of admission for permanent residence as has been provided to Cuban and Indochinese refugees by specific legislation, provided they have been paroled into the United States as refugees prior to September 30, 1980.

In the light of the foregoing, it is proposed to amend Chapter I of Title 8 of the Code of Federal Regulations as set forth below:

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

1. It is proposed to revise § 235.9(e) and to add a new paragraph (f) as set forth below.

§ 235.9 **Conditional entries.**

* * * * *

(e) *Inspection of conditional entrant and refugee parolee as to admissibility for permanent residence.* Each alien who has been (i) admitted under section 203(a)(7) as a conditional entrant; or (ii) paroled under section 212(d)(5) of the Act as a refugee prior to September 30, 1980, who is not otherwise eligible for retroactive adjustment of status to permanent resident; shall be required to appear before an immigration officer two years following conditional entry or parole. If over 14 years of age, such conditional entrant or parolee shall be interrogated under oath by an immigration officer and a determination of admissibility shall be made in accordance with sections 235 and 236 of this chapter. Except as provided in Parts 245 and 249 of this chapter, an application under this part shall be the sole method of requesting the exercise of discretion under section 212(g), (h), or (i) of the Act, insofar as they relate to the excludability of an alien in the United States.

(f) *Request to roll back permanent residence date by permanent resident who was paroled into the United States as a refugee.* A request by a permanent resident who was originally paroled into the United States as a refugee before September 30, 1980 to roll back his/her date of acquiring permanent residence to the date of original parole as a refugee shall be made in writing to the district director having jurisdiction over the applicant's place of residence. The request shall be accompanied by the Alien Registration Card, Form I-151 or I-551, issued to the applicant in connection with his/her acquiring permanent resident status together with three identical color photographs taken within the past thirty days. The photographs must comply with the requirements for an ADIT card. These requirements may be obtained from any office of the Immigration and Naturalization Service. The decision on the request shall be made by the district director. No appeal shall lie from the district director's decision. If the request is approved, the applicant will be furnished replacement Alien Registration Card bearing the date as of which the lawful admission for permanent residence has been recorded.

* * * * *

§ 235.9 **[Amended]**

2. It is proposed to redesignate existing § 235.9(f) as § 235.9(g). It is proposed to revise redesignated § 235.9(g) by amending the first, second and seventh sentences as set forth below.

* * * * *

(g) *Termination of conditional entrant or refugee parole status.* Whenever a district director has reason to believe that a conditional entrant under section 203(a)(7) or an alien paroled under section 212(d)(5) before September 30, 1980 as a refugee, whose status has not otherwise been terminated or changed, is or has become inadmissible to the United States under any provision of section 212(a) of the Act (except section 212(a)(20)), he shall, in the case of a parolee, comply with § 212.5(b) of this chapter, and thereafter serve on either class of alien Form I-122, Notice to Alien Detained for Hearing Before Immigration Judge, in accordance with the provisions of § 235.6. The alien shall be referred for a hearing before an immigration judge in accordance with the provisions of sections 235, 236, and 237 of the Act and of this chapter. * * * An appeal shall lie from the decision of the immigration judge in accordance with the provisions of § 236.7 of this chapter.

3. Also in redesignated § 235.9(g), in the third sentence change "special inquiry officer" to read "immigration judge"; in the fifth sentence change "a special inquiry officer" to read "an immigration judge"; in the sixth sentence change "special inquiry officer" to read "immigration judge".

(Sec. 103; 8 U.S.C. 1103; and sec. 5 of Pub. L. 95-412, 92 Stat. 909)

PUBLIC COMMENTS INVITED

In accordance with the provisions of section 553 of Title 5 of the United States Code, interested persons are invited to submit relevant data, views and arguments concerning these proposed rules to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street, N.W., Washington, DC 20536, on or before January 30. 1979. Plese submit all representations in writing, in duplicate.

Dated: November 24, 1978.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc. 78-33586 Filed 11-29-78; 8:45 am]

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 78-EA-70]

PROPOSED EXTENSION OF VOR FEDERAL AIRWAY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend V-214 from Martinsburg, W. Va., to Baltimore, Md., via the intersection of the Martinsburg 101° and the Baltimore 308° magnetic radials. This route is presently used as a vector route. Designation of this route as an airway would reduce flight planning and communication time required for its use.

DATES: Comments must be received on or before December 26, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 78-EA-70, Federal Aviation Administration, Fed-

eral Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before December 26, 1978 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would extend V-214 from Martinsburg to Baltimore via the INT of Martinsburg 094°T(101°M) and Baltimore 300°T(308°M) radials. This route is presently used as a departure route to the west and northwest. By designating the route as an airway, the route description would be made shorter and the time required for flight planning and radio communications reduced.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307) as follows:

Under V-214, "Martinsburg, W. Va." is deleted and "Martinsburg, W. Va.; INT Martinsburg 094° and Baltimore, Md., 300° radials to Baltimore." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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

Issued in Washington, D.C., on November 16, 1978.

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

[FR Doc. 78-33257 Filed 11-29-78; 8:45 am]

[4910-13-M]

[14 CFR Part 71]

[Docket No. 78-SO-65]

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

Proposed Alteration of Transition Area, Chester, S.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rule will alter the existing Chester, South Carolina, Transition Area and will lower the base of controlled airspace south of Chester Municipal Airport from 1200 to 700 feet AGL to accommodate Instrument Flight Rule (IFR) operations. A public use instrument approach procedure has been developed for the Chester Municipal Airport, and the additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

DATE: Comments must be received on or before: January 8, 1979.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

Ronald T. Niklasson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before January 8, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Chester, South Caroline, Transition Area. This action will provide controlled airspace protection for IFR operations at the Chester Municipal Airport. The NDB Runway 35 standard instrument approach procedure utilizing the Chester (nonfederal) nondirectional radio beacon is

proposed in conjunction with the alteration of this Transition Area.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, §71.181 (43 FR 440) of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following to the existing Chester, South Carolina, Transition Area:

". . . within 3 miles each side of the 163° bearing from the Chester RBN (Lat. 34°46'56" N., Long. 81°11'48" W.) from the 7-mile radius area to 8.5 miles south of the RBN. . .

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

NOTE.—The Federal Aviation Administration has determined that this document 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 East Point, Georgia, on November 16, 1978.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 78-33258 Filed 11-29-78; 8:45 am]

[4910-13-M]

[14 CFR Part 71]

[Docket No. 78-SO-70]

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

Proposed Alteration of Transition Area, Morristown, Tenn.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rule will alter the existing Morristown, Tennessee, Transition Area and will lower the base of controlled airspace southwest of the Moore-Murrell Airport from 1200 to 700 feet AGL to accommodate Instrument Flight Rule (IFR) operations. A new public use instrument approach procedure has been developed for the Moore-Murrell Airport, and the additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

DATES: Comments must be received on or before January 8, 1979.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

Ronald T. Niklasson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone 404-763-7646.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before January 8, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Morristown, Tennessee, Transition Area. This action will provide controlled airspace protection for IFR operations at Moore-Murrell Airport. The NDB Runway 5 standard instrument approach procedure utilizing the Murrell (nonfederal) nondirectonal radio beacon is proposed in conjunction with the alteration of this transition area.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, §71.181 (43 FR 440) of Part 71 of the Federal Aviation Regulations (14 CFR 71) by altering the Morristown, Tennessee, Transition Area as follows:

"* * * within 4.5 miles northwest and 9.5 miles southeast of the 239° bearing from the Morristown RBN (latitude 36°11'10" N., longitude 83°22'00" W.), extending from the 9.5-mile radius area to 18.5 miles southwest of the RBN * * *" would be deleted, and

"* * * within 4.5 miles northwest and 9.5 miles southeast of the 228° bearing from the Murrell RBN (latitude 36°07'18" N., longtitude 83°27'30" W.), extending from the 9.5-mile radius area to 18.5 miles southwest of the RBN * * *" would be substituted therefor.

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

NOTE.—The Federal Aviation Administration has determined that this document 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 East Point, Georgia, on November 17, 1978.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 78-33259 Filed 11-29-78; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 239]

[Release Nos. 33-5998, IC-10482; File No. S7-763]

SHORT FORM FOR REGISTRATION OF SECURITIES

Proposed Amendments to Disclosure Form

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is publishing for public comment proposed amendments to the short form (Form S-16) for the registration of securities under the Securities Act of 1933 (the "Securities Act") which would: (1) Deem the effective date of documents incorporated by reference into registration statements on that form to be the date of the document's initial filing with the Commission; (2) Deem a statement in a document incorporated by reference into a registration statement on that form not to be part of the registration statement if the statement has been modified or superseded in the registration statement or subsequently filed documents which are incorporated by reference; and (3) Provide that the making of a modifying or superseding statement shall not

be deemed an admission that the modified or superseded statement constituted a violation of the Federal securities laws. Since the adoption of amendments to the short form to permit its use for primary offerings by certain issuers, if subject to a firm commitment underwriting, many underwriters have expressed concern regarding their potential liability under the Securities Act with respect to documents incorporated by reference into the registration statement. The proposed amendments are intended to accommodate certain of these concerns with the policies underlying Section 11 of the Securities Act.

DATES: Comments should be submitted on or before January 22, 1979.

ADDRESS: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-763. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT:

John A. Granda (202-755-1750), or Steven Paggioli (202-376-8090), Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is proposing for comment amendments to Items 7 of Form S-16 (17 CFR 239.27) under the Securities Act of 1933 (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)). The amendments are intended to address certain concerns raised by underwriters with respect to their potential liability under Section 11 of the Securities Act for documents filed pursuant to the Securities Act or the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) which are incorporated by reference into a registration statement on Form S-16. A new paragraph (e) which is proposed to be added to Item 7 would, for purposes of Section 11(a) of the Securities Act only, deem the effective date of a document incorporated by reference into an S-16 registration statement to be the date of initial filing with the Commission. New paragraph (f) which is proposed to be added to Item 7 would: (1) Deem a statement in a document incorporated by reference pursuant to that item not to be part of the registration statement to the extent that it has been superseded or modified by certain subsequent disclosure; and (2) Provide that the making of a modifying or superseding statement shall not be deemed an admission that the modified or superseded statement, when made, constituted a violation of the Securities Act, the Exchange Act, the Public Utility Holding Company Act of 1935 (the "Holding Company Act") (15 U.S.C. 79a et seq.), or the Investment Company Act of 1940 (the "Investment Company Act") (15 U.S.C. 80a et seq.).

I. BACKGROUND

On April 11, 1978, the Commission adopted amendments to Form S-16, a form for the registration of certain securities under the Securities Act.[1] Those amendments for the first time permitted use of Form S-16, a relatively simpler and shorter registration form, for the registration of certain primary offerings of securities, provided, *inter alia*, that such offerings are made pursuant to a firm commitment underwriting.[2] Form S-16 embodies the concept of the integration of the registration provisions of the Securities Act with the reporting requirements of the Exchange Act. Issuers permitted to use Form S-16 are required to file periodic reports under the Exchange Act containing information about their business, management and financial operations. Since these reports are generally available, the form requires only limited further disclosure concerning the offering; the basic disclosure regarding the issuer is included through the incorporation by reference of the Exchange Act reports into the registration statement.[3]

These provisions of Form S-16 are a reflection of the Commission's endeavor to further integrate the Securities Act and Exchange Act.[4] As noted by the Advisory Committee on Corporate Disclosure (the "Advisory Committee") in its final report, a continuous, coordinated, and integrated disclosure system for companies subject to the securities acts should reduce registration costs and thus the costs of raising capital, facilitate timely access to the capital markets, make more meaningful the periodic reporting requirements of the Exchange Act and eliminate needless duplication of disclosure, which results in increased costs to investors.[5]

A. UNDERWRITERS' CONCERNS WITH LIABILITIES UNDER SECTION 11 OF THE SECURITIES ACT

In Release 33-5923, the Commission noted that the incorporation by reference of Exchange Act documents into registration statements on Form S-16 should result in an improvement in the quality of disclosure in the Exchange Act filings due to the increased care in preparation of these reports which would result from concern about liability under the Securities Act for the content of Exchange Act filings that are so incorporated. In addition, the Commission had previously noted that the participation of underwriters in certain primary offerings would provide further protection for investors in light of underwriters' obligations under the federal securities laws.[6] However, significant concerns

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[1] Securities Act Release No. 5923 (April 11, 1978) (43 FR 16672).

[2] *Id.*

[3] Item 7 of Form S-16 requires the incorporation by reference of the following documents filed pursuant to the Exchange Act:

(a) The issuer's latest annual report filed pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 or the latest prospectus filed pursuant to Rule 424(b) or (c) under the Securities Act of 1933, which contains certified financial statements for the issuer's latest fiscal year for which such statements have been filed;

(b) All other reports filed pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 since the end of the fiscal year covered by the annual report or prospectus referred to in (a) above;

(c) The issuer's definitive proxy statement or information statement, if any, filed pursuant to Section 14 of the Securities Exchange Act of 1934 in connection with the latest annual meeting of its stockholders, and any definitive proxy or information statements so filed in connection with the latest annual meeting of its stockholders, and any definitive proxy or information statements so filed in connection with any subsequent special meetings of its stockholders;

(d) If the class of securities to be offered is registered under Section 12 of the Securities Exchange Act of 1934, the description of such class of securities which is contained in a registration statement filed under such Act, including any amendment or reports filed for the purpose of updating such description. In addition, all documents subsequently filed pursuant to Sections 13, 14 or 15(d) of the Exchange Act prior to the termination of the offering are deemed to be incorporated by reference into the prospectus and to be a part thereof from the date of filing.

[4] See Securities Act Release No. 5906 (February 15, 1978).

[5] See generally Report of the Advisory Committee on Corporate Disclosure to the Securities and Exchange Commission ("Report"), House Committee on Interstate and Foreign Commerce, 95th Cong., 1st Sess., Committee Print 95-29 at 420-469.

[6] Securities Act Release No. 5879 (November 2, 1977) (42 FR 58677). Congress, in enacting the express civil liability provisions of the federal securities laws, established specific liability for underwriters and other principal participants in a distribution of securities, in recognition of their greater obligation to the public because of their importance in the distributive process; their ability to obtain information from the registrant; and the reliance placed on these persons by public investors. *See, e.g.*, H.R. Rep. No. 85, 73rd Cong. 1st Sess. (1933) at 9, wherein it is noted with respect to Section 11 of the Securities Act of 1933 that "the duty of care to discover varies in its de-

Footnotes continued on next page

have been expressed by underwriters regarding subjection of Exchange Act filings to the different and more stringent liability standards of the Securities Act.[7] Generally, under the Securities Act, the various participants in the registration process, including officers, all directors, experts, and underwriters, are responsible for omissions or misstatements in a registration statement unless after reasonable investigation they had reasonable ground to believe and did believe that at the time of effectiveness of the registration statement it was not misleading.[8] Section 18 of the Exchange Act, on the other hand, imposes liability with respect to reports and documents filed under such Act upon persons responsible for the filing who make or cause to be made a misstatement and who act in bad faith or have knowledge of the misrepresentation.

Underwriters have been concerned particularly about exposure to liability under Section 11 of the Securities Act because of misleading statements or omissions in reports filed under the Exchange Act and incorporated by reference into a Securities Act registration statement on Form S-16. Because underwriters have not participated in the preparation of the annual, quarterly, and current reports, and proxy material filed under the Exchange Act, they have not had the opportunity to pursue the "due diligence" procedures which would generally be performed in connection with the preparation of a Securities Act registration statement. Without conducting such procedures a question is raised as to whether the underwriters could sustain the burden of proof that they had conducted a "reasonable investigation," and had "reasonable ground to believe" that the registration statement contained no untrue statement of material fact or omitted to state material facts required to be stated therein as necessary to make statements therein not misleading.

A further basis for underwriter concern is that Section 11 imposes liability if any part of the registration statement is untrue or misleading "when such part becomes effective." However, the various Exchange Act documents which are incorporated by reference into the registration statement may not be accurate after their filing dates. Accordingly, liability might be asserted based on information in Exchange Act documents incorporated by reference which has become materially outdated.

A related problem is the reluctance of issuers to accept an underwriter's recommendation that disclosure be made which corrects, clarifies, or otherwise modifies earlier disclosure in an Exchange Act document incorporated by reference. Such reluctance appears to be primarily attributable to concern that the subsequent disclosure may be viewed as an admission that the prior document was materially false or misleading in some respect. This, in turn, could lead to suits involving trading transactions in securities of the issuer occurring prior to the later disclosure.

Because some issuers apparently view the full "due diligence" investigation attendant to preparation of a registration statement on Form S-1 or S-7 as canceling out the savings in costs and time achieved through the use of Form S-16, it has been suggested that underwriters are pressured to dispense with such investigations.[9] Such pressure makes it more difficult for underwriters to conduct the type of review, inquiry and verification of previously filed reports which they feel is necessary to satisfy their statutory obligations.

B. RECENT APPROACHES TO THE ISSUE OF LIABILITY FOR INCORPORATED DOCUMENTS

The subject of liability imposed on persons participating in the preparation of documents incorporated by reference into 1933 Act registration statements is not new. the Commission's special disclosure study group that first recommended the adoption of the short registration form in 1969 also suggested the adoption of a rule providing that, under certain circumstances, a broker acting as a statutory underwriter in connection with a secondary offering on an exchange would be deemed to have made a reasonable investigation and to have reasonable grounds to believe the statements made in a registration statement or the documents incorporated by reference if he had read the registration statement and the documents and was not aware of any false or misleading statements.[10]

More recently, the drafters of the American Law Institute's proposed Federal Securities Code have addressed this issue in the Code's counterpart provision to Section 11 of the Securities Act. Section 1704(g) of the proposed code provides that, in determining what constitutes reasonable investigation or care and reasonable ground for belief, relevant circumstances include whether, with respect to a fact or document incorporated by reference, the particular defendant had any responsibility for the fact or document at the time of the filing from which it was incorporated.[11] The commentary to this provision states that it is intended to reconcile the two conflicting goals of "* * * furthering the S-16 concept, which makes it impossible to ignore the underwriter's practical problems with respect to material incorporated in an offering statement and subsequent reports and * * * nondilution of the underwriter's standard of care, which is essential to the credibility of the offering statement."[12] Similarly, the approach taken by the Advisory Committee in its recommended rule, based substantially on the ALI proposal, provides that the fact of incorporation by reference may be taken into account in determining liability for the incorporated documents.[13]

The Corporate Finance Committee of the Securities Industry Association ("SIA") filed a rulemaking petition with the Commission on May 3, 1978

Footnotes continued from last page

mands upon participants in security distribution with the importance of their place in the scheme of distribution and with the degree of protection the public has a right to expect * * *. For those whose moral responsibility to the public is particularly heavy, there is a correspondingly heavier legal liability—the persons signing the registration statement, the underwriters, the directors of the issuer, the accountants, the engineers, appraisers and other professionals preparing and giving authority to the prospectus—all these are liable to the buyer not only if they cannot prove they did not know of the flaw in the information offered to the public but also if they cannot prove that they could not have found that flaw 'after reasonable investigation' and that they had reasonable ground to believe * * * that such statement was true or that there was no such omission."

[7] See comments available in File No. S7-725. See also the rulemaking petition filed May 3, 1978 by the Corporate Finance Committee of the Securities Industry Association and the Commission's letter of response dated May 26, 1978 from George A. Fitzsimmons, Secretary.

[8] This is the "due diligence" standard of Section 11(b)(3) of the Securities Act.

[9] *See* "Current Issues and Developments in the Duties and Liabilities of Underwriters and Secruities Dealers, 33 Bus. Law. 335, 348-58 (1977); "Special Disclosure Problems: The Use of Form S-16," PLI Seventh Annual Institute on Securities Regulation, 243, 247-50, 262-64 (Mundheim & Fleischer, eds. 1977).

[10] "Report and Recommendations to the Securities and Exchange Commission from the Disclosure Policy Study, Disclosure to Investors, A Reappraisal of Administrative Policies under the 1933 and 1934 Acts" (March 1969) (hereinafter "Wheat Report") at 98-112. Of course, the broker would receive only the customary commission on the sale and would not have the economic incentive to conduct a due diligence inquiry. Also since the transaction would be on an exchange, the public would not be placing any special reliance on the broker's role in the transactions.

[11] Section 1704(g) *Federal Securities Code, The American Law Institute* 570 (Proposed Official Draft, March 15, 1978) *as amended* (Supp. July 15, 1978). It should be noted that the Code premises the reduction in underwriter liability on the imposition of Section 11 type liability on inside directors for annual reports.

[12] *Federal Securities Code,* (Tentative Draft No. 2) (March, 1973), p. 104. The substantive provision remains the same in the Revised Proposed Official Draft.

[13] Report at 454-55.

requesting that the Commission: (1) Adopt a rule relating to underwriters' liability with respect to registration statements on Form S-16; and (2) pending the adoption of such a rule, suspend the effectiveness of General Instruction A-1 of Form S-16 until September 30, 1978 or adopt an emergency temporary rule relating to underwriters' liability with respect to registration statements on Form S-16.[14] The temporary rule proposed by the SIA provides that, in determining what constitutes reasonable investigation or care and reasonable ground for belief, relevant circumstances include, with respect to information or documents incorporated by reference into a registration statement on Form S-16, the fact that the underwriter had no responsibility for the information or document at the time of the filing from which it was incorporated.[15] This approach is, of course, similar to that taken by the Advisory Committee and in the ALI proposal [16] and was prompted by substantially the same concerns.

C. VIEWS OF THE COMMISSION

Although the Commission's experience to date with Form S-16 as amended in Release No. 5923 has not indicated specific instances of practical problems in connection with the use of the form for underwritten primary offerings,[17] the Commission is mindful of the concerns articulated by the investment banking community and others.

The Commission believes that in order to establish a defense underwriters must review carefully the documents incorporated by reference into registration statements on Form S-16 to assure that these documents, together with the prospectus, contain no false and misleading information and that the facts disclosed in these documents have changed materially as of the date of incorporation. However, as previously indicated,[18] the Commission believes that a court would consider all circumstances surrounding an underwriter's position with respect to information contained in documents incorporated by reference into a Form S-16 registration statement, including the presence or absence of responsibility for material contained therein at the time of filing as well as any other circumstances inherent in the type of offering that would legitimately affect an underwriter's ability to discharge its "due diligence" obligation under the Securities Act.

The Commission has considered the desirability of proposing for comment a rule of the type recommended by the SIA and others and has determined not to propose such a rule. The Commission is reluctant to promulgate a rule setting forth the factors to be considered in connection with the specific statutorily created civil liabilities and defenses of Section 11. It is difficult to state in advance and in abstract terms all of the circumstances which might affect the reasonableness of an underwriter's inquiry.[19] Moreover, the effect of such a rule on underwriter liability and their due diligence obligations is unclear. In such circumstances the Commission believes that it should proceed cautiously so that the investor protection afforded by the present level of underwriter investigation and verification will not be diminished. Courts will, of course, continue to have the opportunity to consider and develop in particular factual contexts other possible relevant circumstances as factors in the determination of what constitutes reasonable investigation and reasonable ground for belief regarding information contained in Securities Act registration statements.[20]

There are, however, appropriate steps that can be taken which would recognize and respond to the concerns arising from the unique position in which underwriters are placed with respect to documents incorporated by reference in a registration statement on Form S-16. By structuring the proposals to deal directly with the concerns discussed above, the consequences of their adoption can be more clearly evaluated. The proposals being published for comment are intended to accomodate the concerns of underwriters with the policies underlying Section 11 of the Securities Act.

II. SYNOPSIS OF PROPOSED AMENDMENTS [21]

A new paragraph (e) is proposed to be added to Item 7 of Form S-16. Under that paragraph the effective date of a document incorporated by reference pursuant to Item 7, for purposes of determining liability under Section 11, would be deemed to be the date of the document's initial filing with the Commission. This provision attempts to address the concern described in the previous section with respect to the fact that liability under

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[14] The Commission responded to the portion of the petition recommending the adoption of a temporary rule or the suspension of the effectiveness of General Instruction A-1 of Form S-16 in a letter dated May 26, 1978 from George A. Fitzsimmons, Secretary. In a letter dated June 26, 1978, the SIA submitted a proposed permanent rule regarding underwriter liability for incorporated documents to assist the staff in their deliberations.

[15] The text of that rule is as follows: In determining whether an underwriter has made a reasonable investigation, exercised care or had a reasonable ground for belief under the [Securities] Act with respect to a registration statement on Form S-16, relevant circumstances include (1) the type of registrant, (2) the type of security, (3) the type of underwriting arrangement, the role of the underwriter and the accessibility to information with respect to the registrant and (4) with respect to information or a document incorporated by reference, the fact (if such is the case) that the underwriter had no responsibility with respect to the information or document at the time of the filing from which it was incorporated.

[16] The SIA petition recognizes that the recommendations of the Advisory Committee and the ALI proposal go beyond the problems of underwriters which it is addressing.

[17] Since the date of the amendments, upwards of thirty primary underwritten offerings have been filed on Form S-16 covering debt securities in a principal amount of over $1.4 billion and equity securities with an aggregate offering price of approximately $463 million. In addition, Form S-16 has been used for four underwritten secondary offerings of equity securities with an aggregate offering price of approximately $38 million. The amount of all securities offered for cash in primary offerings during the period from April through September 1978 totaled $24,310,017,000. The amount of all securities offered for cash in secondary offerings during that period totaled $1,135,617,000.

[18] See the Commission's letter dated May 26, 1978 from George A. Fitzsimmons to the Corporate Finance Committee of the Securities Industry Association.

[19] In this regard, it should be noted that previous attempts to define or standardize the elements of underwriters' due diligence obligations have not been successful. For example, the Commission's public investigation into the "hot issues" securities markets revealed a wide variation in the nature and extent of due diligence performed by underwriters. See Securities Act Release No. 5275, July 26, 1972, 37 FR 16011. Accordingly, the Commission determined to request the National Association of Securities Dealers ("NASD") to consider the establishment of appropriate standards regarding underwriter inquiry respecting first-time public offerings, among other things. On March 14, 1973, in the NASD's Notice to Members No. 73-17, that Association proposed a new Rule of Fair Practice regarding this area. Proposed New Article III, Section 35 would have required every member engaged in investment banking activities as a managing underwriter to establish and maintain written procedures that it would be required to follow in its inquiry and investigation of an issuer for which it is acting in a distribution. Sixteen areas of inquiry would have been required to be included in these procedures. This Rule proposal was superseded by the NASD's Notice to Members No. 75-33, April 25, 1975, which contained a proposed policy statement of the NASD Board of Governors concerning due diligence requirements for public offerings of securities. That policy statement set forth general guidelines for performance of an underwriter's due diligence obligation. After circulation for comment, the proposed policy statement was withdrawn.

[20] *See Feit* v. *Leasco Data Processing Equipment Corp.* 332 F. Supp. 544 (E.D.N.Y. 1971) and *Escott* v. *BarChris Construction Corp.* 283 F. Supp 643 (S.D.N.Y. 1968).

[21] This synopsis is included in order to assist interested persons in their understanding of the amendments proposed herein. However, attention is directed to the actual text of the proposed amendments for a more complete understanding.

Section 11 is based on disclosure as of the effective date of the registration statement whereas the disclosure in documents incorporated by reference speaks as of their respective filing dates.

In light of this proposal the manner in which Section 11 might be applied to disclosures incorporated or actually included in a prospectus on Form S-16 must be assessed from several vantages. Even if proposed Item 7(e) were adopted, the disclosures incorporated by reference (i.e., those required to be incorporated and which have not been superseded or modified) still would be subject to scrutiny to determine whether they met the Section 11 standards at the time such disclosure was filed and whether the underwriter conducted a due diligence investigation adequate to establish the defense.

A separate but related inquiry would arise in connection with interim events (i.e., events occurring between the date the incorporated document was filed and the effective date of the Form S-16). Presently, Item 8(a) of Form S-16 requires disclosure in the prospectus of any material changes in the issuer's affairs which were not previously reported under the Exchange Act and which have occurred since the end of the latest fiscal year for which certified financial statements were incorporated. The thrust of the provision is simply to impose a further disclosure obligation with respect to material interim events.

Taken together, the two concepts discussed above result in the possibility that a material misstatement of other omission as specified in Section 11 might be found to exist for either of two reasons: First, because the incorporated document, when filed contained false or misleading statements or omissions; or second, because subsequent material events occurred but were not discloses, causing incorporated disclosures to be misleading. As to each of these two possibilities, an underwriter would be required to conduct a reasonable investigation to establish a defense.

New paragraph (f) which is proposed to be added to Item 7 embodies the concept that the totality of the disclosure in a registration statement should be determinative. Paragraph (f) would address the incorporation by reference problem by permitting, under certain circumstances, the removal of statements made in documents incorporated by reference from the application of the Securities Act. This would be accomplished by deeming a document incorporated by reference not to be part of the registration statement if it has been superseded or modified by disclosure in the S-16 prospectus or a subsequent document filed with the Commission and incorporated by reference. A statement in a document incorporated by reference would be deemed to be modified or superseded for this purpose to the extent that a statement in the S-16 prospectus or in any other subsequently filed document which is incorporated by reference modifies or replaces such statement. The modifying or superseding statement may, but need not, state that it has modified or superseded a prior statement or include any other information set forth in the document which is not so modified or superseded.

Item 7 as proposed to the amended would provide underwriters with a vehicle to correct, clarify or modify disclosure made in an earlier Exchange Act document which is being incorporated by reference pursuant to Item 7. The Commission believes that efforts to make disclosure to investors more meaningful and accurate are to be encouraged and is therefore proposing the amendments as a means of furthering this goal.

The present resistance by issuers to such disclosure, as described in the previous section, is expected to be alleviated by providing in Item 7(f) that the making of a modifying or superseding statement shall not be deemed an admission that the modified or superseded statement, when made, constituted a violation of the Securities Act, the Exchange Act, the Holding Company Act, or the Investment Company Act. The focus of any litigation would thereby be directed to the substance of the controversy and away from the issue of whether the making of a subsequent statement which is inconsistent with previous information filed in documents incorporated by reference is alone an admission of liability.

III. Text of Proposed Amendments

Form S-16 (17 CFR 239.27) is proposed to be amended to read as follows:

§ 239.27 Form S-16, for registration under the Securities Act of 1933 of securities of certain issuers offered pursuant to certain types of transactions.

* * * * *

Item 7. Incorporation of Certain Documents by Reference.

* * * * *

(e) *Effective Date of Documents Incorporated by Reference.* (i) For purposes of determining pursuant to Section 11(a) of the Act only when a document incorporated by reference pursuant to this Item 7 "became effective," the effective date shall be the date of the document's initial filing with the Commission.

(ii) For all other purposes under the Act, including Section 13, the effective date shall be the effective date of the registration statement.

(f) *Modified or superseded documents.* Any statement contained in a document incorporated or deemed to be incorporated by reference shall be deemed to be modified or superseded for purposes of the prospectus to the extent that a statement contained in the prospectus or in any other subsequently filed document which also is or is deemed to be incorporated by reference modifies or replaces such statement.

The modifying or superseding statement may, but need not, state that it has modified or superseded a prior statement or include any other information set forth in the document which is not so modified or superseded. The making of a modifying or superseding statement shall not be deemed an admission that the modified or superseded statement, when made, constituted an untrue statement of a material fact; a statement false or misleading with respect to any material fact; an omission to state a material fact necessary to make a statement not misleading; or the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course or business or artifice to defraud, as those terms are used in the Act, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Investment Company Act of 1940, or the rules and regulations thereunder.

Any statement so modified shall not be deemed in its unmodified form to constitute part of the registration statement or prospectus for purposes of the Act. Any statement so superseded shall not be deemed to constitute a part of the registration statement or the prospectus for purposes of the Act.

* * * * *

(Secs. 6, 7, 10, 11, 12(2), 17(a), 19(a), 48 Stat. 78, 81, 82, 84, 85; secs. 205, 206, 209, 48 Stat. 906, 907, 908; secs. 8, 9, 10, 68 Stat. 685, 686; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; secs. 3(b), 9, 10(b), 14(a), 23, 48 Stat. 882, 889, 891, 895, 901; sec. 8, 49 Stat. 1379; sec. 203(a), 49 Stat. 704; secs. 5, 10, 78 Stat. 569, 570, 88a; secs. 3, 18, 89 Stat. 97, 155; secs. 16(a), 20(a), 49 Stat. 829, 883; secs. 30(d), 34(b), 38(a), 54 Stat. 836, 840, 841; (15 U.S.C. 77f, 77g, 77j, 77k, 77l(2) 77g(a), 77s(a), 78c(b), 78i, 78j(b), 78n(a), 78w, 79p(a), 79t(a), 80a-29(d), 80a-33(b), 80a-37(a)))

Statutory Authority

The foregoing action is taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10, 11, 12(2), 17(a) and 19(a) thereof; the Securities Exchange Act of 1934, particularly sections 3(b), 9, 10(b), 14(a), 18, and 23 thereof; the Public Utility Holding Company Act of 1935, particularly sections 16(a) and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 30(d), 34(b) and 38(a) thereof.

By the Commission

George A. Fitzsimmons,
Secretary.

November 17, 1978.

[FR Doc. 78-33512 Filed 11-29-78; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 76-104]

ANCHORAGE GROUNDS AND SPECIAL ANCHORAGE AREAS

Newport Harbor, Newport, R.I.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the City of Newport, Rhode Island, The Coast Guard is proposing to revise the anchorage regulations by disestablishing two anchorage grounds and establishing three special anchorage areas in Newport Harbor, Newport, Rhode Island. This amendment is being considered because the existing anchorage areas are not adequate for the increased number of transient pleasure craft and do not permit these vessels to anchor without lights. This proposal is intended to provide sufficient anchorage areas for pleasure craft in this vicinity and to permit these vessels to anchor without displaying anchor lights.

DATES: Comments must be received on or before January 16, 1979.

ADDRESSES: Comments should be submitted to and are available for examination at the office of the Commander, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Howard E. Snow, Office of Marine Environment and Systems (G-WLE/73), Room 7315, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 426-1934.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include the writers name and address, identify this notice (CGD 76-104) and the specific section of the proposal to which the comment applies, and give the reasons for the comment. All comments received 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 Lieutenant Commander H. E. Snow, Project Manager, Office of Marine Environment and Systems, and Lieutenant G. S. Karavitis, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF REGULATIONS

It is proposed to disestablish two anchorage areas in Newport Harbor, Newport, Rhode Island. Anchorage Area "F" (33 CFR 110.145(a)(6)) would be disestablished because it is close to areas of commercial vessel operation where the maneuvering of large vessels might endanger the anchored small craft. Anchorage Area "G" (33 CFR 110.145(a)(7)) would be disestablished because ⅓ of the area within the anchorage has been taken up by floating docks. Also, a marina is being planned for the remaining area of this anchorage, so that there would be no place for anchoring within the described area.

Three special anchorages are being proposed in order to compensate for the disestablishment of anchorage "F" and "G". The areas proposed are far enough away from the area in which large vessels operate to provide safe anchoring for small craft. Also, vessels anchored in special anchorage areas are not required to carry or display anchor lights. These anchorages are well removed from any channels and traffic traversing the harbor. Providing adequate special anchorage areas in the harbor would encourage vessels presently anchoring elsewhere to use these safer locations. Because local charts would show the anchorage locations, in addition to their publication in the Code of Federal Regulations, transient boats are expected to utilize these safe locations during the summer months.

An Environmental Assessment was completed in August 1978 which determined that there would be no impact on the quality of the human environment.

This regulation has been reviewed under DOT Notice 78-1 "Improving Government Regulations" (43 FR 9582) and a Draft Evaluation has been prepared and is available for public inspection at the Project Manager and Commander, First Coast Guard District addresses indicated above.

In consideration of the foregoing it is proposed to amend Part 110 of Title 33 as follows:

1. By adding a new § 110.46 to read as follows:

§ 110.46 Newport Harbor, Newport, Rhode Island.

(a) Area No. 1. The waters of Brenton Cove south of a line extending from latitude 41°28'50" N., longitude 71°18'58" W.; to latitude 41°28'45" N., longitude 71°20'08" W.; thence along the shoreline to the point of beginning.

(b) Area No. 2. The waters east of Goat Island beginning at a point bearing 090°, 245 yards from Goat Island Shoal Light; thence 007°, 505 yards; thence 054°, 90 yards; thence 086°, 330 yards; thence 122°, 90 yards; thence 179°, 290 yards; thence 228°, 380 yards; thence 270°, 250 yards to the point of beginning.

(c) Area No. 3. The waters north of Goat Island Causeway Bridge beginning at Newport Harbor Light; thence 023° to the southwest corner of Anchorage E; thence 081° following the southerly boundary of Anchorage E to the shoreline; thence south along the shoreline to the east foot of the Goat Island Causeway Bridge; thence west following Goat Island Causeway Bridge to the shoreline of Goat Island; thence north following the east shore of Goat Island to the point of beginning.

2. By deleting from § 110.145 subparagraphs (a)(6) and (a)(7).

§ 110.145 Narragansett Bay, Rhode Island.

(a) * * *

(6) [Deleted].

(7) [Deleted].

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); Sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(B)); 49 CFR 1.46(c)(2)).

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: November 24, 1978.

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

[FR Doc. 78-33529 Filed 11-29-78; 8:45 am]

[4910-14-M]

[33 CFR Part 110]

[CGD 77-143]

SPECIAL ANCHORAGE AREA

Jacobs Nose Cove, Elk River, Md.

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of the Chesapeake Isle Civic Association, the Coast Guard is proposing to establish a special anchorage at Jacobs Nose Cove, Elk River, Maryland. The designation of Jacobs Nose Cove as a special anchorage is needed to accommodate existing and anticipated increases of recreational boating in this area. It would enhance navigational safety in the area by encouraging pleasure craft

to anchor in the cove in lieu of anchoring in the Lower Elk River.

DATES: Comments must be received on or before: January 16, 1979.

ADDRESSES: Comments should be submitted to and are available for examination at the Office of the Commander (mps), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Va. 23705.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Howard E. Snow, Project Manager, Office of Marine Environment and Systems (G-WLE/73), Room 7315, Department of Transportation, Nassif Building, 400 7th Street, SW., Washington, D.C. 20590 (202-426-1934).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include the writer's name and address, identify the notice (CGD 77-143) and the specific section of the proposal to which the comment applies, and give the reason for the comment. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. A public hearing on this subject was held on 19 April 1977 and is available for public inspection at the addresses indicated above. There was no opposition to this proposal presented at this hearing. No additional 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: Lieutenant Commander H. E. Snow, Project Manager, Office of Marine Environment and Systems, and Lieutenant G. S. Karavitis, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATION

The Chesapeake Isle Civic Association Development is adjacent to Jocobs Nose Cove, Elk River, Md., and consists of 300 private home lots. To date, 52 homes have been constructed. The association owns and maintains a 150 foot pier at this location. The area is presently used for anchoring as many as 75 pleasure craft which belong to members of the association or guests. The depth of water in this area (1-4 ft.) precludes the mooring of most vessels in excess of 65 feet in length.

This rule would allow anchoring of small craft without requiring that they display anchor lights. This cove is a natural harbor well removed from any channels and traffic traversing the area. Establishment of a special anchorage would encourage vessels presently anchoring in the river to use this out of the way anchorage. Because local charts would show the anchorage location in addition to its publication, an additional 50 transient boats are expected to utilize this safe location during the summer months.

It was proposed that rules governing the placement of mooring bouys in this special anchorage be made a part of this regulation. The placement of mooring bouys in an anchorage area requires a permit from the U.S. Army Corps of Engineers. Therefore these regulations do not address this issue.

An Environmental Impact Statement was filed with the Environmental Protection Agency on November 28, 1977 (42 FR 62183) indicating no forseeable significant impact on the quality of the human environment.

This regulation has been reviewed under DOT Notice 78-1 "Improving Government Regulations" (43 FR 9582) and a Draft Evaluation has been prepared and is available for public inspection at the Project Manager address indicated above.

In consideration of the foregoing, Part 110 of Title 33 Code of Federal Regulations would be amended by adding § 110.71 to read as follows:

§ 110.71 Jacobs Nose Cove, Elk River, Maryland.

The water area of Jacobs Nose Cove, on the west side of the mouth of Elk River, Maryland, comprising the entire cove south of Jacobs Nose as defined by the shoreline and a line bearing 046°-226° true across the entrance of the cove tangent to the shore on both the north and south sides.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655 (g)(1)(B)), 49 CFR 1.46 (c)(2).)

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: November 24, 1978.

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

[FR Doc. 78-33530 Filed 11-29-78; 8:45 am]

[49-1014-M]

[33 CFR Part 117]

[CGD 78-134]

DRAWBRIDGE OPERATION REGULATIONS

New River, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of the Florida East Coast (FEC) Railway the Coast Guard is considering changing the regulations governing the FEC railroad bridge across New River, mile 2.5, Fort Lauderdale, to allow automatic operation of the draw. This proposal is being made in an effort to relieve the bridge owner of the burden of having a person constantly available to open the draw. The draw is presently required to open on signal.

DATE: Comments must be received on or before January 2, 1979.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Seventh Coast Guard District, 51 S.W. First Avenue, Miami, Florida 33130.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Seventh Coast Guard District, will foward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Mary Ann McCabe, Project Attorney, Office of Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

Construction of the FEC railroad bridge was completed on 3 March 1978. Its equipment for automated operation is similar to that used for the FEC bridges at Jay Jay, Jupiter, Stuart, and Port Mayaca, Florida. These bridges have operated for several years with a minimum of mechanical problems, therefore, the Coast Guard feels that the FEC bridge across the New River should be considered for automated operation as well.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.445a immediately after § 117.445 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.445a New River, mile 2.5, Ft. Lauderdale, Fla., automatic operation Florida East Coast Railway bridge.

(a) The bridge is not manned by a regular attendant.

(b) The span is normally in an open position. There are signs on both upstream and downstream sides of the bridge with a digital clock showing the time remaining until the bridge starts down. Adjacent to the clocks, there are standard traffic lights with three colors: red, amber and green.

(c) When the bridge is in an open position, the green light is displayed. When a train approaches the bridge, the signal changes to a flashing yellow light, the bridge siren sounds four blasts every minute on the minute for six minutes, and the time clock begins to count down.

(d) When the time clock reaches zero, the signal light changes to red and the bridge lowers and locks, provided that installed scanning equipment reveals nothing under the bridge.

(e) After the train has cleared, the bridge opens and the signal light returns to green.

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

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

Dated: November 17, 1978.

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

[FR Doc. 78-33342 Filed 11-29-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 1016-4]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period.

SUMMARY: In response to several requests for an extension of time for the filing of comments on the proposed amendment to the federally promulgated Ohio State Implementation Plan for sulfur dioxide, the comment period is extended to December 29, 1978. The proposal was published on pages 43729 thru 43736 of the FEDERAL REGISTER of September 27, 1978.

DATES: Comments must be received on, or before, December 29, 1978.

ADDRESSES: Comments should be submitted to: Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The technical support documents and dockets for this proposal (5A-78-1 and 5A-78-2) are on file at the above address and at: Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. They may be inspected and copied during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Debra Costello, Environmental Protection Assistant, Air Program Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 at 312-353-2205.

Issued on November 22, 1978.

JOHN MCGUIRE,
Regional Administrator.

[FR Doc. 78-33462 Filed 11-29-78; 8:45 am]

[6560-01-M]

[40 CFR Part 52]

[FRL 1016-8]

COMMONWEALTH OF PENNSYLVANIA

Proposed Revision of the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Pennsylvania Department of Environmental Resources has submitted amendments to Article XVIII, Rules and Regulations of the Allegheny County Health Department, and proposes that they be reviewed and processed as a revision of the Pennsylvania State Implementation Plan (SIP) applicable to Allegheny County. The revisions amend the Air Pollution Emergency Episode Regulations of Article XVIII. The revisions are designed to provide flexibility to deal with localized air pollution episodes. The amendments make provision for declaring localized Third Stage Alerts and for instituting curtailment action in the exact area(s) affected. In addition, the amendments provide for declaring localized incidents where persistent winds cause high pollution levels and set forth specific actions, including ordering source curtailments, to be taken by the Bureau. Other changes include authorizing the Director of the Allegheny County Health Department, rather than the County Commissioners, to declare Third Stage Alerts and provisions designed to make the regulations more consistent with federal guidelines.

DATE: Comments must be submitted on or before January 2, 1979.

ADDRESSES: Copies of the proposed SIP revision and accompanying support documentation are available for public inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Programs Branch (3AH10), Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Mr. Israel Milner.

Bureau of Air Quality and Noise Control, Department of Environmental Resources, Commonwealth of Pennsylvania, P.O. Box 1467, Harrisburg, Pennsylvania 17120.

Allegheny County Health Department, Bureau of Air Pollution Control, 301 39th Street, Pittsburgh, Pennsylvania 15201.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Streets SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On May 15, 1978, the Pennsylvania Department of Environmental Resources submitted to the Regional Administrator, EPA, Region III, amendments to Article XVIII, Rules and Regulations of the Allegheny Health Department, and requested that they be reviewed and processed as a revision of the Pennsylvania State Implementation Plan (SIP) applicable to Allegheny County.

The proposed amendments affect Section 1800 (Definitions) and Section 1813 (Air Pollution Emergency Episode Regulations) of Article XVIII.

In November, 1975, a localized emergency episode occurred in the Liberty Borough—Clairton area of Allegheny County. Existing regulations required extensive county-wide actions even though emergency conditions occurred in only a small portion of the county. The amended regulations will provide the flexibility to declare localized Third Stage Alerts and for instituting curtailment actions in the exact area(s) affected. The amendments also provide for declaring localized incidents where persistent winds cause high pollution levels, and provide guidance on specific actions to be taken in the case of wind-induced pollution incidents.

A public hearing on the proposed amendments was held on February 17, 1978 at the Bureau of Air Pollution Control, 301 39th Street, Pittsburgh, Pennsylvania 15201.

The public is invited to submit to the address stated above, comments on whether the amendments to Allegheny County Article XVIII should be approved as a revision of the Pennsylvania SIP. The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination whether the amendments meet the requirements of Section 110 of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

(Authority: 42 U.S.C. 74010.)

Dated: November 14, 1978.

JACK SCHRAMM,
Regional Administrator.

[FR Doc. 78-33473 Filed 11-29-78; 8:45 am]

[40 CFR Part 228]

[ERL 984-8]

OCEAN DUMPING

Proposed Designation of Sites

AGENCY: Evironmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate as EPA approved Ocean Dumping Sites the existing sewage sludge dump site located in the New York Bight Apex and an alternate ocean dumping site in the New York Bight for the dumping of sewage sludge in the event that the existing site cannot safely accommodate any more sewage sludge.

DATES: Comments must be received on or before January 29, 1979.

ADDRESSES: Send comments to Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-548), EPA, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. T. A. Wastler, 202-245-3051.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Santuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. (hereafter "the Act") gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, Section 228.4) state that ocean dumping sites will be designated by publication in this Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 et seq.).

The purpose of this notice is to provide the public an opportunity to comment on the proposed designation as an EPA Approved Ocean Dumping Site of the existing sewage sludge dump site located in the New York Bight Apex. It is also intended to provide opportunity to comment on the designation as an Approved Ocean Dumping Site of an alternate sewage sludge dump site farther offshore.

The location of the existing sewage sludge dump site is approximately 20 kilometers (11 nautical miles) equidistant from the Long Island (New York) and New Jersey coasts, positioned approximately in a rectangle with coordinates as follows:

40°22'30" N. to 40°25'00" N.
73°41'30" W. to 73°45'00" W.

The existing sewage sludge dump site currently occupies an area of approximately 22.7 square kilometers (6.6 square nautical miles). Water depths within this area average 27 meters (90 feet). The site was selected in 1924 and was used, with minor changes as to its location, for the disposal of sewage sludges and soluble industrial wastes. This site is presently used exclusively for sludges from sewage treatement plants and domestic septic tanks.

The proposed alternate sewage sludge dump site is located approximately 61 kilometers (33 nautical miles) south of Long Island, approximately 111 kilometers (60 nautical miles) east of New Jersey, and approximately 111 kilometers (60 nautical miles) southeast of the New York Harbor entrance, positioned approximately in a square with coordinates as follows:

40°10'30" N. to 40°13'30" N.
72°40'30" W. to 72°43'30" W.

The alternate site occupies an area of approximately 31 square kilometers (9 square nautical miles). Water depths within this area average 55 meters (180 feet).

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq. (hereafter "NEPA") requires that Federal agencies prepare Environmental Impact Statements (EIS's) on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into the Agency decision-making process careful consideration of all environmental aspects of proposed actions.

The EPA has prepared a Draft EIS entitled "Environmental Impact Statement on the Ocean Dumping of Sewage Sludge in the New York Bight." The draft EIS was made available to the Council on Environmental Quality on March 5, 1976, and a notice of availability for public review and comment was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10702). The public comment period on this Draft EIS closed May 3, 1976.

Alternative methods for the disposal of sewage sludge generated in the New York-New Jersey Metropolitan Area considered in the EIS were:

1. Land-based technology; e.g., incineration, pyrolysis, composting, trenching, sale as soil conditioner or fertilizer, land reclamation, etc.;

2. Use of the existing ocean dump site (no action) pending implementation of land-based alternatives;

3. Immediate use of an alternate ocean dump site until implementation of land-based alternatives; and

4. Continued use of the existing ocean dump site and future use of an alternate site pending implementation of land-based alternatives.

In 1974 EPA proposed that a new ocean dump site be designated for use until sludge dumping could be replaced by environmentally, technically, and economically viable land-based disposal methods. EPA took this step as a precaution against any possible public health effects that might result from overtaxing the existing dump site.

Based on the information reported in the Draft EIS, EPA made a preliminary decision not to go ahead with the proposed action. Instead, EPA recommended: (1) continued use of the existing dump site; (2) development and implementation of a comprehensive mon-

itoring program for the existing dump site; and (3) designation of an alternate dump site that can be used if the monitoring program indicates that the existing site cannot safely accommodate any more sewage sludge.

The alternate site offers the following advantages over other sites studied in the New York Bight:

1. It is located in a deep section. Thus, because of its greater depth, there will be a low potential for resuspension of bottom sediments due to surface and/or internal waves and wind-driven currents. In addition, nearby deeper troughs of the Long Island Shelf Valley will act as potential traps for sludge contaminants, inhibiting the bottom transport of contaminants into adjacent areas.

2. It is distant from the Long Island and New Jersey shorelines and from the Hudson Shelf Valley and outside of prevailing coastal currents which influence the Long Island beaches. Thus, it is an optimum location with a very low potential for transport of contaminants to either the coastal areas or the Hudson Shelf Valley.

3. It has neither significant commercial benthic biological resources (shellfish) nor known potential mineral resources (oil and gas, sand and gravel).

4. Oceanographic studies, including those of the National Oceanic and Atmospheric Administration (NOAA) and The Raytheon Company, provide a data base for future trend assessments.

On May 31 and June 1, 1977, EPA conducted a public hearing in Toms River, New Jersey (Toms River Hearing), to gather information and to obtain public comment on the possible relocation of sewage sludge dumping farther offshore (42 FR 23163). The findings and conclusions on proposals to relocate sewage sludge dumping in the Mid-Atlantic Bight were issued by EPA on March 1, 1978. This decision included the following determination: " * * * that sewage sludge dumping * * * should not be relocated at the present time: however, efforts should begin immediately to designate the 60-mile [alternate] site for the disposal of New York/New Jersey sewage sludge in the event such sludge cannot be dumped at the New York Bight [existing] site for public health reasons prior to December 31, 1981."

A Final EIS has been prepared based on an evaluation of comments received on the Draft EIS, of the findings and conclusions of the Toms River Hearing, and of additional information received pertinent to this proposed action. This EIS was released to the public on October 6, 1978. No administrative action will be taken until the evaluation of all available information has been completed and no sooner than January 29, 1979.

A detailed description of the criteria for determining the circumstances under which sewage sludge dumping would be relocated farther offshore has been prepared by EPA. Basically, the Criteria for Relocation are a two-pronged assessment of ambient water quality conditions during the peak summer months. The assessment includes sampling and evaluation of microbiological parameters and dissolved oxygen depletion rates, both of which can be related to existing water quality standards. EPA reserves the option, however, to require the assessment of additional water quality parameters as conditions warrant.

A copy of the Final EIS containing, at Appendix E, the Criteria for Relocation is available for inspection at the EPA Region II Library, Room 1002, 26 Federal Plaza, New York, New York, and at the EPA Public Information Reference Unit, Room 2922 Waterside Mall, 401 M Street SW., Washington, D.C.

The designation of the existing sewage sludge dump site and the alternate sewage sludge dump site as EPA Approved Ocean Dumping Sites is being published as proposed rulemaking. Management authority on both sites will be delegated to the Regional Administrator of EPA Region II.

Interested persons may participate in this rulemaking by submitting written comments on or before January 29, 1979 to the Oil and Special Materials Control Division (WH-548), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attention: T. A. Wastler, Chief, Marine Protection Branch.

Although this proposed site designation may have substantial local impacts in the vicinity of the dump sites and to those who use them, we have determined that this proposed rule is not a "significant" regulatory action within the meaning of Executive Order 12044, Improving Government Regulations (March 23, 1978).

AUTHORITY: 33 U.S.C. Sections 1412 and 1418.

Dated: November 14, 1978.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is proposed to be amended by adding to § 228.12(b) two sewage sludge dump sites for Region II as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(4) Sewage Sludge Site—Region II.

Location: Latitude—40°22'30" N. to 40°25'00" N.;
Longitude: 73°41'30" W. to 73°45'00" W.

Size: 22.7 square kilometers (6.6 square nautical miles).

Depth: 27 meters (90 feet).

Primary Use: Sewage sludge.

Period of Use: Until December 31, 1981.

Restriction: Desposal shall be limited to sewage sludge generated by those permittees holding ocean dumping permits which were issued and effective February 15, 1978. Disposal of other wastes at this site is not permitted until adequate studies of the probable impacts of those wastes on the site have been completed.

(5) Alternate Sewage Sludge Site—Region II.

Location: Latitude—40°10'30" N. to 40°13'30" N.:
Longitude: 72°40'30" W. to 72°43'30" W.

Size: 31 square kilometers (9 square nautical miles).

Depth: 55 meters (180 feet).

Primary Use: Sewage sludge.

Period of Use: Until December 31, 1981.

Restriction: Disposal of sewage sludge at this site shall take place only upon a finding by EPA that the existing site cannot safely accommodate any more sewage sludge without endangering public health or degrading coastal water quality. Disposal of other wastes at this site is not permitted until adequate studies of the probable impacts of those wastes on the site have been completed.

[FR Doc. 78-33464 Filed 11-29-78; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Gen. Docket No. 78-369; FCC 78-801]

RADIO FREQUENCY (RF) INTERFERENCE TO ELECTRONIC EQUIPMENT

Notice of Inquiry

AGENCY: Federal Communications Commission.

ACTION: Notice of Inquiry.

SUMMARY: This Notice of Inquiry solicits comments from consumers, equipment manufacturers, economists, engineers and government agencies on the problem of radio frequency (RF) interference to electronic equipment. Among the principal issues to be addressed are: i) consumer interest in the problem and whether consumers would be willing to pay for less susceptible electronic equipment; ii) alternative regulatory approaches for solution to the problem; iii) equipment design methods, the effects of the marketplace in developing less susceptible equipment, and related cost impacts; iv) economic issues and impact of regulation on competitive equipment supply and industry structure; and v) engineering questions related to characterizing the radio frequency environment, measurement methods and testing procedures.

DATES: Comments must be received by May 1, 1979, and reply comments by July 1, 1979.

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

FOR FURTHER INFORMATION CONTACT:

Frank Rose, Office of Chief Engineer, (202) 632-7093 or Erika Jones, Consumer Assistance Office, (202) 632-7000, or the local FCC field office.

Adopted: November 14, 1978.

Released: November 21, 1978.

By the Commission: Commissioner White absent.

In the matter of radio frequency (RF) interference to electronic equipment.

INTRODUCTION

1. This inquiry has been instituted to obtain information, views and recommendations from diverse groups regarding radio frequency interference to electronic equipment. We are specifically requesting interested parties to comment on matters of technical feasibility, operational efficiency, economic impact, and consumer impact.

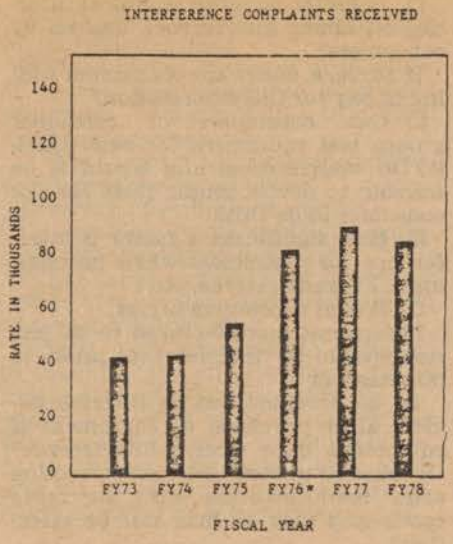
2. Data accumulated in this proceeding will form the basis for a Commission decision which focuses on our continuing goal of electromagnetic compatibility (EMC). The Commission believes that a cooperative effort between consumers, equipment manufacturers and the FCC is essential to achieving this goal of electromagnetic compatibility (EMC).[1]

HISTORICAL BACKGROUND

3. Over the past several years, tremendous growth has occurred in the field of communications. Particularly, the explosive growth in the use of two-way radio for personal and business communications has contributed to the greatly increased number of interference complaints received at the FCC. Many of these interference complaints concern radio frequency (RF) emissions which are intercepted by electronic equipment not designed or intended to receive the signals. This growth of interference is illustrated on the following page.

[1]a) Section 303(g) of the Communications Act of 1934, as amended, states in part that the Commission shall ". . . generally encourage the larger and more effective use of radio in the public interest."

b) EMC is the capability of an electronic device to perform its intended function without responding adversely to unwanted electromagnetic signals.



4. The most common category of interference complaints received by the Commission's Field Operations Bureau (FOB) involved signals from CB, Amateur, Broadcast, Land Mobile, electrical devices, etc., interfering with home electronic entertainment equipment. These complaints represent 73% of all interference complaints received by FOB. Home electronic entertainment equipment includes AM/FM radio, TV, tape recorders, electronic organs, telephones, stereo/hi-fi systems, video games, and other equipment commonly found in the home.[2] Additionally, air navigational aids, heart pacemakers, ekg equipment, truck braking systems and explosive devices are other types of health and safety electronic equipment which might malfunction because of interference from transmitters or other radio frequency devices.

5. FCC studies [3] indicate that a high percentage of these interference complaints involved deficiencies in the design and installation of the receiving equipment (when the transmitting equipment met all FCC technical requirements). Often, the addition of filters or shieldings to the affected equipment will eliminate the interference.

[2]The Electronic Industries Association estimates that in 1977, 14 million television sets, 52 million radios, and 4 million phonographs were sold in the United States.

[3]During Fiscal Year 1976, Field Operations Bureau conducted a study of interference to television associated with CB radio transmissions. Results of that study were published in July 1977 under the title, "The Extent and Nature of Television Reception Difficulties Associated with CB Radio Transmission." FCC/FOB/PD&E 77-02 (July 1977).

6. As the Commission has few rules and regulations governing the design and/or installation of the receiving equipment, an information brochure, "How to Identify and Resolve Radio-TV Interference," was published by the Field Operations Bureau of the FCC in May 1977, to assist the public in resolving interference. The booklet is available for $1.50 through the Government Printing Office (GPO Stock No. 004-000-00345-4).

7. Additionally, the Commission, through its rules and regulations, has acted to improve transmitter standards for compatibility with home electronic equipment. For example:

a. Stringent technical standards have been adopted for new CB transmitters to reduce undesired signals capable of causing interference;

b. The Commission's Office of Chief Engineer has an equipment authorization program which requires a check of the technical standards of a particular line of equipment before it can be sold. Selected equipment samples are also tested;

c. The Commission has imposed rules making it illegal to manufacture or sell certain linear amplifiers, such as those which might be used to boost the output power of CB sets in violation of Commission Rules and have often been responsible for creating interference.

d. In cases when it appears that the CB transmitter is the cause of interference to home electronic equipment, the Commission now can require the operator to install a "low-pass filter" in the CB equipment. This has the effect of reducing interference by lowering spurious emissions of the transmitter. The licensee also faces the possibility of "quiet hours."[4]

8. As a result of the increasing numbers of interference problems reported both to the Commission and to Congress, several bills have been introduced in the House and Senate.[5] These bills basically look toward giving the FCC the authority to establish certain required standards for home electronic entertainment equipment (TVs, AM/FM radios, etc.).

9. However, government regulation may not be the solution that is most in the public interest. It is clear that increased immunity to interference will result in higher cost to produce home electronic entertainment equipment. Greater immunity will require more

[4]Operation of an amateur or citizens station may temporarily be restricted to certain specified hours when interference is caused to radio and television broadcast receivers of good engineering design.

[5]HR8079, HR8496, 95th Session S. 864 (1978).

sophisticated design, additional components, and increased testing; all of which will increase equipment production cost. The magnitude of this increase will depend upon the immunity standards prescribed.

10. If immunity standards are imposed by government regulation, the increased cost of achieving them will fall on all purchasers of home electronic entertainment equipment. It is quite conceivable that some consumers, given a choice, would prefer the less protected equipment at a lower cost. Some consumers may not experience interference at their location or may prefer to cope with the interference in other ways. An alternative to government regulation would be the provision of information to consumers on the interference immunity of various grades of equipment so that consumers could select the equipment which best met their individual needs. This might be done voluntarily by manufacturers and retail dealers or by a government requirement for equipment labeling which indicated the interference immunity of the product.

11. Therefore, prior to adopting or supporting government regulation to eliminate the problem of interference, the Commission needs to further define the extent, nature and economics of the problem, and interest. To accomplish this, we seek answers to the questions put forth below. We have grouped the questions according to several general categories for the convenience of responding parties, but all are welcome and encouraged to respond to any or all phases of this inquiry.[6]

Consumer Issues

12. The FCC recognizes the problem encountered by consumers in dealing with interference to their home electronic equipment (TVs, radios, stereos, telephone, and electronic organs, etc.). We consider it critical that consumers comment on this inquiry, and, therefore, we seek answers to the following.

☐ How serious is the problem of interference to consumers?

☐ What do consumers know about the technical reasons for interference and common solutions to the problem?

☐ Are consumers aware that interference may be caused by deficiencies in receiver and other home entertainment design, rather than by deficiencies in transmitter design?

☐ What information is presently available to consumers about interference and where is it obtained?

☐ Is better or more technical information about interference desired by consumers?

If so, how much are consumers willing to pay for this information?

☐ Can consumers or consumer groups test equipment for susceptibility to interference, and would it be feasible to devise simple tests for the consumer to do this?

☐ How significant a factor is interference for consumers when purchasing a TV, radio, stereo, etc.?

☐ Would consumers prefer:

Equipment manufactured to be less susceptible to interference prior to purchase, or

To be provided add-on filtering devices after purchase of equipment if equipment does receive interference? (It must be understood that correction after manufacturing may be more costly and may or may not be effective.)

☐ Would consumers be willing to accept increased costs for equipment manufactured with less susceptibility to interference?

☐ For consumers who have equipment already receiving interference from a transmitter (CB, Amateur, etc.), where filters added to their equipment, and if so, did the filters resolve the problem?

☐ Was information received on how to install filters and was it adequate?

☐ What information do consumers feel they need in order to make an intelligent decision about products and their potential susceptibility to interference?

☐ Would consumers prefer voluntary solutions from manufacturers versus government mandated solutions or no change?

☐ To what extent have consumers been involved in other consumer-oriented, voluntary or government programs (e.g., the labeling of the energy efficiency of air conditioners) and how successful have these programs been?

Equipment Manufacturing Issues

13. Manufacturers of equipment (transmitting and receiving) will clearly be deeply involved in commenting on any decisions proposed as a result of this inquiry. Therefore, we request comments on the following questions, and any additional information pertinent to this inquiry.

☐ How serious do manufacturers consider radio frequency interference to home electronic equipment and is it a serious enough problem to warrant government intervention or implementation of a self-regulatory program?

☐ What would be advantages, disadvantages, of:

A government regulated program?

A self-regulated program?

☐ Should any regulatory program prescribe specific components and equipment design which would be required to be incorporated in the product to eliminate interference?

Alternatively, should any regulatory program only prescribe general levels of immunity to interference?

☐ What would be the costs[7] involved in administering:

A government regulated program?

Explicit technical standards?

Information on immunity to interference?

A self-regulated program?

☐ What would be the relationship between improved interference immunity, equipment performance and equipment costs?

☐ Are there any current self-regulatory programs (such as labeling) that can be adapted to the consumer electronics area? If so, how effective have these programs been?

☐ To what extent would government intervention affect:

Diversity of equipment supply?

Other aspects of the industry structure?

☐ What equipment design methods are currently used for providing equipment with immunity to interference?

To what extent are they effective?

What are the costs to provide this immunity?

Are costs volume dependent or volume independent?

What performance features were affected, if any?

☐ Did the market place influence the decision to incorporate immunity features and to what extent?

Do product advertisements feature interference immunity design as a selling feature?

If so, does this influence consumer purchasing decisions and to what extent?

☐ What other measures should be taken to provide effective electromagnetic shielding?

☐ Would manufacturers prefer:

To provide consumers with adequate information about the level of immunity to interference of their equipment?

Equipment to be manufactured with less susceptibility to RF interference?

To provide consumers with adequate add-on devices after purchase of equipment?

☐ What are the relative merits of design solutions incorporated at the time of manufacture versus modifications after point of sale?

☐ To what extent have current retrofit solutions, such as filters, been successful in eliminating interference?

☐ If interference immunity designs are incorporated into equipment, what performance features might suffer?

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[6] The Commission recently instituted an inquiry examining *TELEVISION RECEIVER EQUIPMENT GRADING*, BC Docket No. 78-307, FCC 78-665 (Released October 20, 1978). The issues in the Television Receiver Equipment Grading inquiry are related to some of the issues addressed here, but are more narrowly focused.

[7] These costs might include completing registration forms or other paperwork, testing for compliance, or other administrative costs.

□ Do manufacturers presently have any interference awareness programs?

General consumer awareness programs which might serve as a model for an interference awareness program?

What are costs and benefits of such consumer awareness programs?

□ If all newly manufactured electronic equipment were required to be immune to interference after some specific date, how long would it take until these new pieces of equipment became a significantly large part of equipment in use in the marketplace?

ECONOMIC ISSUES

14. We feel it is critical that the economic issues be considered in this inquiry. We would hope to receive responses specifically directed to the following questions, as well as other portions of the inquiry, from industry, government, consumers and the general public.

□ What cost impact would there be in implementing:

A self-regulated program?

A government regulated program. (Taking into account such items as establishing standards, testing, enforcing regulations, administrative costs.)

A program requiring the provision of information?

A program requiring specific levels of interference immunity?

A program requiring specific electronic circuits?

□ Based on current, similar programs, what costs are involved in disseminating consumer information by both government and non-government groups?

□ What economic impact might be expected to the equipment manufacturing industry if:

A self-regulated program were implemented?

A government regulated program were implemented?

□ If increased costs are incurred through self-regulated or government regulated programs:

Who should "pay" for increased costs?

How should any increased costs be apportioned between receiving/transmitting device owners, transmitting/receiving device manufacturers, government, retailers, wholesalers, or any others involved in the manufacture, distribution and sale chain of receiving/transmitting equipment?

What method of cost apportionment is more or less economically efficient than others?

□ Would any competitive advantages accrue to a particular group under a:

Self-regulated program?

Government regulated program?

□ What additional equipment manufacturing costs could be expected?

Would they be volume dependent or volume independent?

□ What is the cost and availability of testing and measuring electronic equipment for susceptibility to electromagnetic interference?

□ What impact will alternative regulatory programs have upon:

Diversity of equipment supply?

Competition in the electronic equipment manufacturing industry?

Other aspects of industry structure?

Rate of innovation and technological change in the industry?

□ Is it more economically efficient to manufacture all equipment to be immune to interference, thereby imposing unneeded costs on consumers who are not troubled by interference, or to impose relatively higher costs only on those consumers who are directly troubled by interference?

GOVERNMENT

15. We are seeking the advice and assistance of other government agencies charged with consumer protection responsibilities. In particular, we seek the views of the Federal Trade Commission, Department of Commerce, Department of Health, Education, and Welfare, the Environmental Protection Agency and state and local consumer agencies on the question of consumer protection standardization and testing discussed in this inquiry. We particularly seek answers to the following questions:

□ Has any other government agency implemented a similar consumer-oriented, self-regulated program or government regulated program?

How successful have the programs been?

How costly were those progrms to operate?

What incentives were offered to implement any self-regulated program?

Would these incentives depend upon a particular group being assigned program management responsibility?

What factors were considered by the agency to decide between self-regulation and government regulation?

□ Should any voluntary, self-regulated program to monitored by some government agency and to what extent?

□ Do other government agencies have overlapping jurisdiction in this area?

□ What types of inter-agency cooperative arrangements would this require?

□ What assistance can be provided by other government agencies in modeling a testing procedure to determine equipment susceptibility to RF interference?

□ Are there on-going government consumer awareness programs that might be adapted to a program to deal with radio frequency interference?

□ What costs might accrue to government, consumers, manufacturers and others from any consumer awareness proposals?

□ Do other consumer protection laws provide possible alternatives for assisting consumers in resolving the interference problem? (Laws such as "Truth in Labeling" and others.)

To what extent can these consumer protection laws be used to monitor an industry self-regulatory approach?

ENGINEERING ISSUES

16. Any program adopted as a result of this inquiry will succeed only if it is technically sound. Therefore, we seek answers to the questions listed below regarding the electromagnetic environment. We request information and comments to enable us to examine this problem from many views, and any responses should not be thought of as limited to these questions.

□ How may we characterize the radio frequency environment? (A bulletin describing the radio environment and established "immunity grades" in Canada is attached as Appendix A. Would a similar plan serve the interest of the U.S. public? If so, to what extent?)

□ Should the FCC or another agency/group have the responsibility for modeling or determining the environment?

□ What type of electronic equipment should be included in any plan evolved from this inquiry?

□ Should the envorinment be characterized differently for different types of electronic equipment?

How can this be accomplished?

□ Is measurement of the environment necessary?

What should be the complexity of such measurements?

What methods of measurement should be considered?

What different measurement methods would be needed for different types of equipment?

□ What measurement data are there presently available which would be appropriate to this inquiry? (Although data may already have been informally submitted to the Commission, such data should still be filed with comments to this inquiry.)

□ What will be the costs of these measurements? (This should be in terms of both initial capital outlay and continuing operating costs.)

□ What problems might be expected with measurement reliability and repeatability?

□ What means should be used to determine the environment? What agency or group, in addition to the FCC, should be involved in the effort?

□ Would severity and probability of interference be confined to certain ge-

ographic and operational areas? If so, where might these areas be?

□ What types of measurement and testing procedures now exist?

What others might be necessary?

□ What special problems might be caused by the cumulative effect of many transmitter signals arriving at a single electronic device?

□ What technical methods now exist to protect electronic equipment from interference?

Can interference rejection features be maintained or improved without hindering equipment performance or future innovations?

□ What are the advantages and disadvantages of initial design versus retrofit?

□ What are the advantages and disadvantages of requiring explicit electronic designs vs requiring explicit levels of immunity from interference?

□ To what extent would designs which increase the level of immunity to interference affect other performance characteristics of electronic entertainment equipment and the possibility of future technological changes and improvements in equipment design?

INFORMATION ON COMMENTS

17. *Who should file comments?* We urge consumers, equipment manufacturers, service technicians, government agencies, economists, engineers, licensees, and all other interested parties to participate in this Inquiry. You may participate by sending information and opinions that are relevant to the questions listed in this Inquiry.

18. *How will this information be used?* The comments we receive will be used to evaluate the issues we have discussed above. The FCC will take action as appropriate after all interested parties are given an adequate opportunity to comment.

19. *How comments should be prepared.* Your comments must clearly show this docket number "General Docket No. 78-369", at the top of the first page. Please label your responses so that it will be clear which question is being answered. If your comments are general, and not related to a specific question, please state the issue being addressed.

20. *How many copies should be sent.* Section 1.419 of the Rules requires that you file the original and five copies of your comments. If you want each Commissioner to receive a personal copy of your comments, you should include 7 additional copies. The FCC will fully consider all comments.

21. *Where to send comments.* Send your comments to: Secretary, Federal Communications Commission, Washington, D.C. 20554.

22. *How to see the comments of other parties.* All comments will be available for public inspection in the FCC Dockets Reference Room, Room 239, 1919 M St., N.W., Washington, D.C. The FCC is open weekdays between 8:00 and 5:30 p.m. You can reply to comments submitted by another party by following the same procedure as you do for commenting.

23. *Deadline for filing Comments.* Comment must be received by May 1, 1979. Replies to comments must be received by July 1, 1979.

24. *The source of our legal authority.* Sections 4(i), 302, 303 (f), (g), (r), and (s), 330, and 403 of the Communications Act gives the FCC the authority to conduct this Inquiry. Accordingly, the FCC ORDERS that this Inquiry is INSTITUTED.

25. *Person to contact for additional information:* Frank Rose, Office of Chief Engineer (202) 632-7093 or Erika Jones, Consumer Assistance Office, (202) 632-7000.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

GOVERNMENT OF CANADA, DEPARTMENT OF COMMUNICATIONS

APPENDIX A

ELECTROMAGNETIC COMPATIBILITY ADVISORY BULLETIN

Immunity of Electrical/Electronic Equipment Intended To Operate in the Canadian Radio Environment (0.014-10,000 MHz)

Release Date: September 1, 1977

Telecommunication Regulatory Service

FOREWORD

The rapidly increasing use of radio services, particularly by the transportation and service industries (land mobile radio) and by the general public (general radio service) has led to dramatic increases in the proliferation of high level electromagnetic fields in urban areas (Annex I). Radio and electrical/electronic equipment operating in these areas suffers degradation in its performance due to the presence of such high level electromagnetic fields. This causes consumer dissatisfaction and many complaints arise which, upon investigation have occurred because the equipment is insufficiently immune to the radio environment in which it operates.

There are two sources of electromagnetic energy in the radio environment:

(i) natural and man-made noise

(ii) signals from radio transmitters.

The natural noise is uncontrollable. The Department has regulations to control man-made noise because of its effect on the performance of communication systems. It also specifies limits for power, bandwidth and out-of-band emissions for signals from radio transmitters.

Normally, the electromagnetic field levels due to radio transmitters are much higher than the levels due to noise sources and these signals are the major cause of performance degradation of electical/electronic equipment operating in urban areas.

1. *Purpose*

This bulletin describes the radio environment which may be encountered in typical Canadian urban and suburban communities, so that electrical/electronic equipment may be designed and manufactured which will meet its performance objectives in this environment. There is a need to increase the immunity of electrical/electronic equipment to electromagnetic fields, in order to reduce the performance degradation of such equipment. This document addresses that need.

2. *Scope*

This advisory bulletin applies to the design of all equipment, systems, and devices that will be affected by, or will respond to, electromagnetic energy in the radio frequency range from 0.014 to 10,000 MHz (Annex II). It is not intended to apply to the design of the frequency response of communication receivers in the immediate vicinity of their intended pass-bands. Specification of this parameter is the subject of the stringent requirements of the spectrum sharing and equipment type approval constraints invoked by the Department on receipt of an application for a radio station license. This bulletin notwithstanding, the Department may specify, through regulation under the Radio Act, limits which must be met by radio receivers as a prerequisite to their sale and use in Canada.

3. *Radio Environment*

By "radio environment" we mean the combined effect of the radio emissions that are created at any given location by normally operating authorized transmitters. It has the dimension of field strength and varies with frequency band, geographical location and time.

A great number of factors interact to determine the field strength which may be encountered in a given situation, and so it is not possible to forecast accurately the signal levels in each particular circumstance. It is possible, however, to predict the range of field-strength levels likely to be encountered in populated areas since the normally operating transmitter powers, the attenuation and the typical distances to devices usually interfered with are known.

The authorized services, the radiated powers, the usual transmitter-receptor distances corresponding to populated areas, and calculated field strength are shown in the following table:

Service	Frequency Range (MHz)	Effective Radiated Power (dBW)	Usual Range of Separation Distances	Consequent Range of Field Strengths (Volts Per Meter)
LF Communications & Navaids	0.014-0.5	54	5-20 km	0.25-1.0
AM Broadcast	0.5-1.6	47-50	0.5-2 km	0.2-6.0
HF Amateur	1.8-30	30	20-100 m	3.0-15.0
HF Communications	1.6-30	40	4-20 km	0.001-0.25
General Radio	27-27.5	11	10-100 m	0.3-3.3
VHF Amateur	50-225	30-39	100-500 m	0.35-5.0
Communications Fixed & Mobile	30-470	17-21	40-200 m	0.2-1.5
TV-VHF	54-216	50-55	0.5-2 km	1.0-7.3
FM-Broadcast	88-108	50	0.25-1 km	2.0-8.3
TV-UHF	470-890	67	0.5-3 km	1.0-3.0
Radar	1000-10,000	90-97	2-20 km	0.1-90

The maximum fields to which the equipment may be subjected are shown in Figure 1.

The actual field strength levels will vary depending on many parameters such as occupancy, power, time, distance, propagation conditions, directivity, etc., but a range between 1 and 20 V/m can be expected to occur for most of the frequency bands.

It should be noted that the field intensity is expressed in absolute terms, independent of bandwidth. This is done because on the one hand, for the maximization of spectrum use, the emissions of radio transmitters are limited as far as practicable to the minimum bandwidth necessary to convey the communication involved. On the other hand, the frequency response characteristics of unintended receptors are, in the vast majority of cases, relatively broadband. Combining these factors, it is likely that a receptor's rejection of an emission is nearly constant over the bandwidth of the emission. Therefore, it is assumed that the unwanted response of a receptor is independent of the emission bandwidth of the transmitter.

On the basis of this description of the usual Canadian radio environment three grades for radio environment immunity have been derived. These are illustrated in Figure 2 in terms of field intensity vs. frequency. Three plots are included labelled "GRADE 1", "GRADE 2" and "GRADE 3". "GRADE 1" means that an electronic device which is immune to field intensities of this level is likely to experience performance degradation in the radio environment of populated areas. "GRADE 2" means that a device with this level of immunity is unlikely to experience degradation in the same radio environment. "GRADE 3" means that an electronic device which is immune to fields of this level should experience performance degradation only in very arduous circumstances. The immunity grade appropriate to a particular device would be dependent upon the application of the device. For example, medical monitoring equipment and video games would be unlikely to merit the same degree of immunity.

4. *Interpretation*

The Department recognizes the importance of a probability factor as applying to the time and geography dependence of the radio environment, but no attempt has been made to take account of it in this document other than as follows:

4.1 The dimension of time has been taken into account only to the extent that the transmitter in question is assumed to be operating at the same time as the electrical/electronic devices in its vicinity.

4.2 The greatest amount of radio energy emitted today is in population centres or very close by. This is due to the fact that radio is used to serve people and as a consequence radio facilities are concentrated in populated areas. For the same reasons, the affected devices are similarly distributed. It is because of this concentration of both emitters and receptors that this analysis is limited to populated areas. However, one must not assume that high levels of radio energy will not be found in unpopulated areas; often high powered transmitters operated for special communication purposes, e.g. transoceanic communications, are deliberately located in such areas.

4.3 A set of field measurements to provide statistical data with regard to the probability of encountering high field strengths will be performed by the Department.

5. *Implementation*

5.1 Current application. The observance of the immunity grades in this bulletin is not mandatory. It is recommended that designers, manufacturers, distributors and retailers ensure that radio and electronic equipment of all kinds is designed to operate in the radio environment described by this document.

It is being left to designers to determine how best to ensure that their equipment is reasonably immune to degradation in this radio environment and how best to confirm this by measurement.

Nonetheless, the Department stresses that if Canadians are to enjoy effective use of the radio spectrum and satisfactory performance from electrical/electronic equipment simultaneously, there is a real need to have the electrical/electronic devices be immune to the radio environment.

5.2 Future action. The Department intends to work, with the cooperation of the industry and the manufacturers, toward the implementation of a voluntary standard of immunity which will ensure that electronic equipment will operate effectively in today's radio environment. As a first step, the Department will be initiating a dialogue with the manufacturers with a view to establishing immunity measurement techniques which are standard throughout the industry. When this goal is achieved manufacturers whose equipment meets this standard will be encouraged to say, "This equipment complies with the (GRADE 1, GRADE 2, GRADE 3) standard of radiation immunity established in cooperation with the Department of Communications".

Issued under the authority of the Minister of Communications.

JOHN DE MERCADO,
Director General, Telecommunication Regulatory Service.

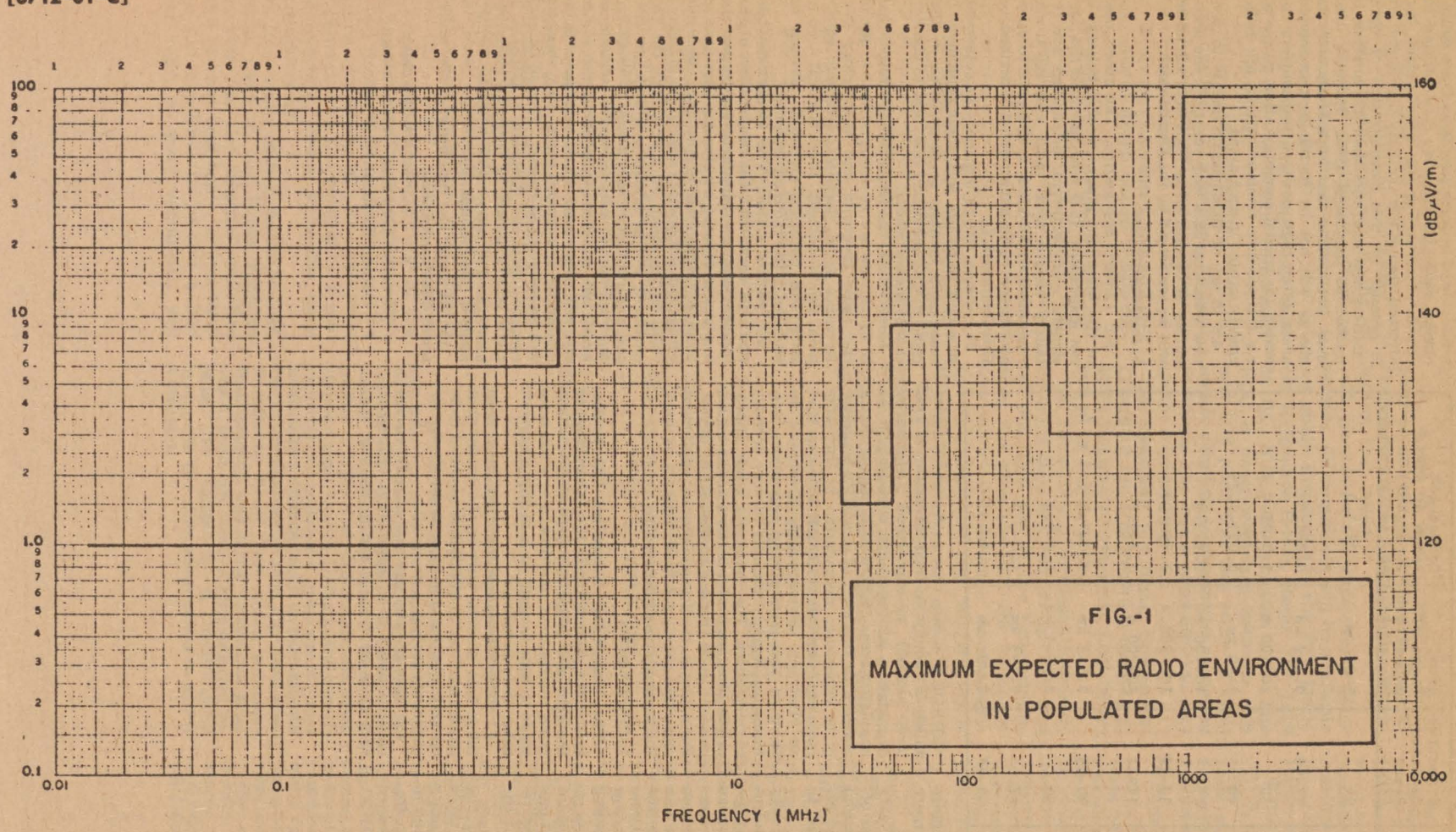

FIG.-1

MAXIMUM EXPECTED RADIO ENVIRONMENT IN POPULATED AREAS

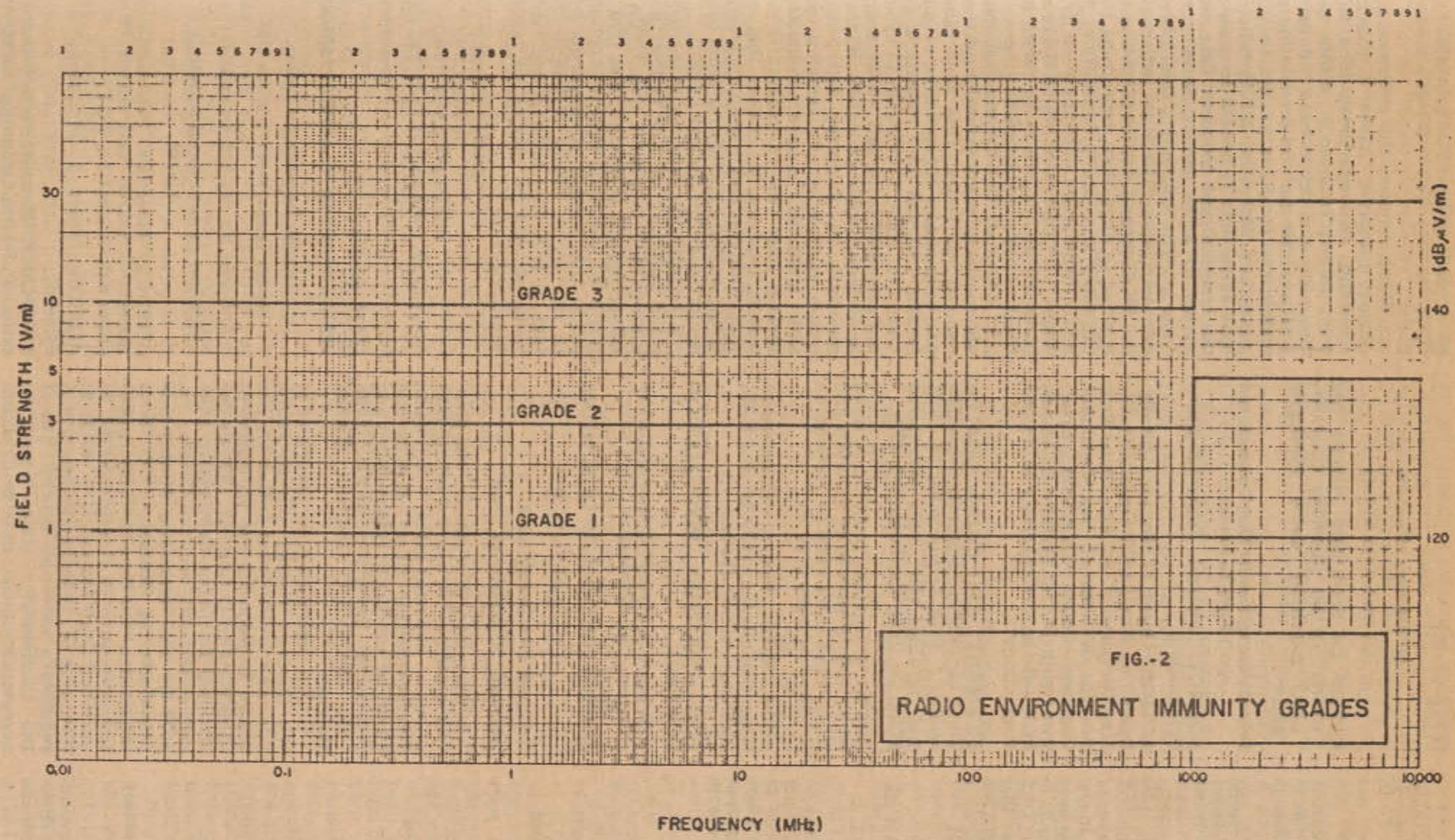

FIG.-2

RADIO ENVIRONMENT IMMUNITY GRADES

THE RADIO ENVIRONMENT

As a measure of the ubiquity of radio emitters, the following statistics (as at March 31, 1977) are provided:

Licensed Stations (non-broadcast)

In Canada there were approximately 828,386 radio licences* in force. The following list gives the number of stations in terms of the major user categories:

Land mobile	245,324
General radio service	491,651
Government	101,663
Amateur	16,573
Aeronautical	15,814
Maritime	14,705
Experimental	1,120

The annual growth rate in the number of stations has typically been between 10 and 20% for the past several years, and in most cases is not expected to change radically in the near future. In the specific case of GRS systems, however, projections suggest that this annual increase will be about 100-120% over the next few years, saturating at a likely level of some 3-4 million stations.

Licensed Stations (Broadcast)

There are: 760 TV stations; 425 AM stations; and 288 FM stations.

SUSCEPTIBLE EQUIPMENT

The electronic equipment which may be susceptible to radio frequency energy is not limited to communication receivers or equipment. The following list, by no means exhaustive, is representative of the types of equipment subject to malfunction due to susceptibility to rf field.

Broadcast receivers (AM, FM, TV)	Digital timers
Audio systems (Home & Commerical)	Computers
Video games	Electro-explosive devices
Closed circuit video system	Radio controlled models
Telephone switching equipment	Measuring equipment
Electronic calculators	Process control devices
Heart pacemakers	Vehicle ignition
Medical monitoring equipment	Vehicle brakes
Medical test equipment	Photographic
Metal detectors	Manufacturing
Prosthetic devices	Elevators
Computer terminal equipment	Power distribution
Electronic sensors	CATV Systems
Telephone distribution systems	Cameras

[FR Doc. 78-33367 Filed 11-29-78; 8:45 am]

*Not all radio stations (eg. some government stations) are issued licences. Therefore, the number of stations exceeds the number of licences in force.

[6712-01-M]

[47 CFR Parts 63 and 64]

[CC Docket No. 78-219]

REVISION OF PROCESSING POLICIES FOR WAIVERS OF THE TELEPHONE COMPANY-CABLE TELEVISION "CROSS OWNERSHIP RULES"

Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communicatons Commission.

ACTION: Grant of Requests for Extension of Time in CC Docket No. 78-219 ("Revision of the Processing Policies for Waivers of the Telephone Company—Cable Television Cross-Ownership Rules: Sections 63.54 and 64.601 of the Commission's Rules and Regulations").

SUMMARY: FCC extends time for filing opposition comments from November 1, 1978, to November 30, 1978, and provides for reply comments which are to be due January 5, 1979.

DATES: Comments must be received on or before November 30, 1978 and Reply Comments must be received on or before January 5, 1979.

ADDRESSES: Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Richard O. Pullen, Common Carrier Bureau, 202-632-6440.

SUPPLEMENTARY INFORMATION:

[CC Docket No. 78-219]

Adopted: October 27, 1978.

Released: November 17, 1978.

In the matter of revision of the processing policies for waivers of the telephone company-cable television "cross-ownership rules", §§ 63.54 and 64.601 of the Commission's rules and regulations. Order [See 43 FR 47576].

By the Chief, Common Carrier Bureau:

1. The Commission, by the Chief of the Common Carrier Bureau acting pursuant to delegated authority, has before it Requests for Extension of Time filed on October 27, 1978 by the National Telephone Cooperative Association (NTCA), and on October 30, 1978 by the Minnesota Mining and Manufacturing Company (3M). Both request that the time for filing opposition comments in this proceeding be extended from November 1, 1978, to November 30, 1978. In addition, NTCA requests a waiver of Section 1.46 of the Commission's Rules which requires such requests to be made within seven days prior to the exablished filing deadline. The requests are unopposed.

2. NTCA requests the extension because it discovered October 27 that its comments, although timely filed, had been routed incorrectly within the Commission so not to have been publicly available for the preparation of oppositions by other parties to this proceeding. Moreover, NTCA believes that extra time is needed to analyze the technical and economic data submitted by other parties, particularly those of The National Cable Television Association. The other petitioner, the 3M Company, desires extra time to respond to allegations concerning the capability, cost, and practicality of its newly introduced Communication Systems ("CS#"), a subject which the company did not expect to be raised by the comments to this rulemaking.

3. Although the Commission does not routinely grant extension of time requests, we believe that good cause has been shown for a waiver of rule Section 1.46, and for a reasonable extension of time. In addition to avoiding prejudice to parties which might have been unable to obtain NTCA's comments, an extension will permit better analysis of the complex cost and technical studies submitted. Indeed, since this rulemaking is unusually complex, we believe that we should use this Order as an opportunity to explicitly provide for reply comments under rule Section 1.415(d).

4. Accordingly, pursuant to the delegated authority of rule §§ 0.291 and 0.303(c)(f), it is ordered that NTCA's waiver request is granted, and that a thirty day extension of time is permitted so that opposition comments will be due on or before November 30, 1978. It is further ordered that reply comments will be due on or before January 5, 1979.

JACK D. SMITH,
Acting Chief,
Common Carrier Bureau.

[FR Doc. 78-33590 Filed 11-29-78; 8:45 am]

[4910-60-M]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 171, 172, 173, and 176]

[Docket No. HM-166; Notice 78-11]

SHIPMENT OF HAZARDOUS MATERIALS BY WATER

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

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The materials Transportation Bureau is proposing to amend

the regulations pertaining to the shipment of hazardous materials by vessel. The proposals involve relatively minor changes with respect to preparation of dangerous cargo manifest; requirements for cargo inspection; specific requirements for certain materials regulated for water shipments only; and several other miscellaneous changes. A proposal to re-state Subpart F of Part 176, Special Requirements for Barges, is also contained in this notice. These proposals are based upon either a petition for rulemaking or on the initiative of the Bureau in an effort to clarify, simplify or eliminate existing regulations relating to water shipments.

DATE: Comments by January 29, 1979.

ADDRESS: Send comments to Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

Douglas A. Crockett, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, Washington, D.C. 20590, (202) 755-4962.

SUPPLEMENTARY INFORMATION: This document is anticipated to be the first of a series of notices and amendments to incorporate changes in the hazardous materials regulations based on either petitions for rulemaking submitted in accordance with 49 CFR 102.31 or on the Bureau's own initiative. It is expected that each notice and corresponding amendment will be grouped generally by subject area (e.g., shipment of hazardous materials by vessel) and will be published in the FEDERAL REGISTER under this docket number on a continuing basis. The petitions to be considered in this docket are those which seek to effect various miscellaneous changes, to clarify an ambiguously written rule, to eliminate unnecessary regulations and duplications, or to authorize new shipping alternatives which are non-controversial and which do not require extended periods of time for public participation.

Each proposed rule in this notice is based upon either: (1) A petition for rulemaking submitted by the public and upon data and analysis supplied by the petitioner, or (2) the Bureau's own initiative to clarify, simplify, or eliminate existing regulations relating to water shipments. The proposals are summarized under the subject headings listed below.

1. *Dangerous Cargo Manifest—IMCO Hazard Class Entry.* The preparation of a dangerous cargo manifest, list or stowage plan is required for all carriers of hazardous materials by water. This document must contain certain information in accordance with § 176.30 including the classification of each hazardous material aboard the vessel. Carriers are given the option of using the hazard class designated by the Hazardous Materials Table in 49 CFR 172.101 or the hazard class designated by the Inter-Governmental Maritime Consultative Organization's (IMCO) Dangerous Goods Code.

The regulations do not presently describe the manner in which the IMCO class entry should be made on the manifest. Because of the manner in which hazardous materials are classified by IMCO, the Bureau believes that the requirement for this entry on the manifest should be more precisely stated to adequately convey the hazard of the material on board the vessel.

There are nine classifications used by IMCO for hazardous materials. Of these nine, five classes (Classes 1, 3, 4, 5 and 6) are further subdivided into divisions. The class number or class name alone for these classes (except Class 3) may not accurately convey the precise hazard of the substance. For example, Class 4 contains three divisions of hazardous materials, each of which presents its own peculiar hazard: Class 4.1—Flammable solids, Class 4.2—Substances liable to spontaneous combustion, Class 4.3—Substances emitting flammable gases when wet. It is proposed that the division number or division name be used as the hazard class entry on the dangerous cargo manifest.

Another problem in this regard is encountered with IMCO Class 2, Gases. Although this class is not divided into divisions, it includes three distinct types of gases—Nonflammable, Flammable, and Poisonous—each requiring a different label. Again, the class number or name alone does not communicate the distinction between the different gases.

Consequently, this docket proposes to amend § 176.30(a)(5)(ii) to require the water carrier using the IMCO classifications to clearly indicate the hazard of a material on the dangerous cargo manifest by entering the class and division name or number for Classes 1, 4, 5, and 6 and to identify the entry for Class 2 gases by adding "Flammable gas," "Nonflammable gas" or "Poison gas," as appropriate.

2. *Dangerous Cargo Manifest—Manned and Unamanned Barges.* The responsibility for the preparation of the dangerous cargo manifest (§ 176.30) is that of the master of the vessel or his authorized representative. For barge shipments, however, this line of responsibility is lost due to the nature of barge operations. For barges, whether manned or unmanned, the responsibility for the preparation of the dangerous cargo manifest should rest with the individual who has the responsibility for loading the barge with hazardous materials. This individual is normally the person in charge of the barge for manned barge operations. However, for unmanned barge operations the individual loading the barge is the shipper himself or his authorized representative. For this reason, the Bureau believes that the shipper should be held responsible for preparation of a dangerous cargo manifest, lost or stowage plan for unmanned barges and should assign a specific individual for that purpose.

In addition, MTB is proposing that the dangerous cargo manifest be kept in a readily available location on the barge, whether manned or unmanned, and that a copy of the document be furnished to the person in charge of the towing vessel. This requirement is necessary to insure that all concerned parties are aware of the hazardous cargo and its location and to aid emergency response personnel.

3. *Special Requirements for Barges.* Subpart F of Part 176 prescribes special requirements for barges. This part of the water carrier regulations has remained basically unchanged since 1941 and no longer adequately reflects the current usage of barges transporting hazardous materials. Subpart F also contains extraneous information that is not necessary or appropriate in these regulations to insure the safe transportation of hazardous materials by water.

Section 176.96 in Subpart F presently classifies barges into Classes A, B, C, D, or E barges depending primarily upon the material of construction. It also includes detailed diagrams of each type of barge. The classification of barges is then used in Table III of § 176.999 to determine which barges are authorized to carry which classes of hazardous materials. MTB believes both of these relatively lengthy regulations can be terminated and replaced with the simple requirement that all barges carrying any class of hazardous materials be constructed of steel unless other materials of construction are approved specifically by the Commandant, United States Coast Guard (USCG). This would reflect actual practice where most barges carrying hazardous materials today are constructed of steel.

New provisions are also being proposed in Subpart F to accommodate the loading and unloading of barges containing Class A explosives, nitro carbo nitrate, and certain ammonium nitrates aboard barge carrying vessels without the permits required by § 176.100 and 176.415.

4. *Cargo Inspection.* It is proposed to specify more clearly the cargo inspection requirements of water carriers contained in § 176.39(a). Paragraph (a) now requires an inspection of each hold or compartment containing hazardous materials at certain times during a voyage but makes no reference to freight containers, barges or hazardous materials stowed "on deck." The Bureau proposes to re-state this paragraph specifically including these items during cargo inspection because of the increasing traffic of freight containers and barges aboard cargo vessels. However, the new requirement does not require the freight container or barge to be opened during inspection.

5. *Motor Vehicles or Mechanical Equipment Powered by Internal Combustion Engines Using Combustible Liquid Fuel.* A motor vehicle or item of mechanical equipment powered by an internal combustion engine is excepted from the hazardous materials regulations when shipped by water if the fuel tank is empty, the engine is run until stalled for lack of fuel, both battery cables are disconnected, and no hazardous material is stowed in the vehicle. If any of these conditions is not met, the vehicle or equipment is regulated as an ORM-C by water and must be carried in compliance with the requirements in § 176.905.

A major exporter of such mechanical equipment has petitioned the Bureau to allow up to 110 gallons of fuel in the fuel tank and delete the requirement to run the engine until stalled if the internal combustion engines are of a type that employ combustible liquid fuel rather than flammable liquid fuel. The petitioner argues that internal combustion engines shipped separate from a vehicle body are regulated only if the engines employ flammable liquid fuel as specified in § 173.120(b). The petitioner also argues that running the engine until stalled for lack of fuel for each and every vehicle causes numerous operational problems during loading and unloading at port areas.

The Bureau believes there is some merit to the argument that internal combustion engines employing combustible liquid fuel are no more hazardous when mounted in a vehicle chassis then when shipped separately. Therefore in order to qualify for an exception from the hazardous materials regulations, it is proposed to delete the requirement to run the engine until stalled if combustible liquid fuels are utilized. It is also being proposed to allow up to 110 gallons of combustible liquid fuel in the fuel tanks.

6. *Permit Requirements for Nitro Carbo Nitrate.* Permits from the USCG are required by § 176.415 before certain packages of nitro carbo nitrate and ammonium nitrates are loaded or unloaded at any waterfront facility in the United States. One such package that presently requires a permit is "nitro carbo nitrate in rigid containers with non-combustible inside packagings." It is proposed to authorize the loading and unloading of this package without the requirement of a permit. This was previously authorized for over 15 years under the Coast Guard regulations in 46 CFR prior to the consolidation of the hazardous materials regulations in Docket HM 103/112. The proposed amendment would rectify an oversight of Docket HM 103/112.

7. *Exceptions Authorized by § 176.11.* There have been numerous requests for interpretation of the requirements of § 176.11(a) from the Bureau. It is proposed to re-state this paragraph to clearly specify that water carriers may accept and transport hazardous materials (import, export, or passing through the U.S. between foreign ports) that are packaged, marked, labeled, classed, described, certified, and placarded in accordance with either IMCO or DOT requirements or any combination of the two. The important point to be made more explicit is that the package does not have to be prepared either completely in accordance with IMCO *or* completely in accordance with DOT. The hazardous material must be packaged, marked, labeled, classed, described, certified, and placarded as required, however, these *individual requirements* may be met by using either DOT or IMCO regulatory requirements. This exception, of course, applies only under the conditions specified in § 176.11(a).

8. *Miscellaneous proposals.* Several other miscellaneous changes pertinent to water shipments are being proposed by this notice. Two such proposals involve changes to proper shipping names in § 172.101 to more adequately identify commodities which are regulated for water shipments only.

Lead dross was previously defined by 46 CFR 146.27-100 as "the scrap, dross, or waste from sulfuric acid tanks. It is a mixture of metallic lead, lead sulfate and free sulfuric acid." It is the presence of sulfuric acid that causes this commodity to be hazardous. Lead dross is regulated under 49 CFR as an ORM-C. The IMCO Code regulates lead dross as a hazardous material, but only if the mixture contains more than 3% free acid. MTB is proposing to de-regulate lead dross which contains 3% or less free acid to be consistent with IMCO requirements since this commodity is regulated by water only.

"Metal borings, turning, shavings or cuttings" represents another group of materials regulated by water only. The Coast Guard has monitored the shipment of these materials for some time and contends that the shipping name is too broad since it includes nonferrous metals and stainless steel metals which are not self-heating. The Coast Guard maintains that there have been no known incidents where there has been spontaneous heating or a fire associated with the shipment of stainless steel borings or nonferrous metals. Consequently, MTB believes it appropriate that only ferrous metals (excluding stainless steel) be included in 49 CFR as regulated hazardous materials for water shipment.

A miscellaneous change to § 176.100 is being proposed to require the permit for unloading or loading Class A explosives to be obtained from the Captain of the Port rather than from the nearest Coast Guard District Commander as the regulations now state.

Finally, MTB is proposing to standardize the exceptions relating to import and export shipments of explosives in §§171.12(b) and (d) and 176.11(a). These paragraphs allow certain DOT requirements to be met by equivalent IMCO requirements for most hazardous materials except explosives and radioactive materials. However, § 171.12(b) refers only to Class A explosives while §§ 171.12(d) and 176.11(a) refer to "explosives" generally. The Bureau believes the proper reference in all cases should be to "Class A or B explosives."

Primary drafters of these proposals are John C. Allen, Office of Hazardous Materials Regulation, Exemptions and Regulations Termination Branch, Lt. Larry H. Gibson, United States Coast Guard, Cargo and Hazardous Materials Division, and Evan C. Braude of the Office of the Chief Counsel, Research and Special Programs Administration.

In consideration of the foregoing, 49 CFR Parts 171, 172, 173 and 176 would be amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.12, paragraphs (b) and (d) would be revised to read as follows:

§ 171.12 Import and export shipments.

* * * * *

(b) The requirements of § 171.2 with respect to classification and labeling notwithstanding, a hazardous material (other than Class A or B explosives or radioactive materials) which is classed and labeled in accordance with the IMCO Code and being imported into or exported from the United States or passing through the United States in the course of being shipped between places outside the United States, may be offered and accepted for transportation and transported within the United States it is otherwise offered, accepted, and transported in accord-

ance with this subchapter. When a material is transported within the United States by air, highway, or rail under an IMCO class, the entry on the shipping paper required by § 172.202(a)(2) must include a class set forth in this subchapter that most appropriately corresponds to the IMCO class. For example, according to IMCO, the description and class for ethylene oxide is "Ethylene Oxide, 2" or "Ethylene Oxide, Gas 2". While ethylene oxide in domestic transportation would be classed a flammable liquid, the class in this subchapter that most appropriately corresponds to the IMCO class is "flammable gas". The proper entry would therefore be "Ethylene Oxide, Flammable Gas" or "Ethylene Oxide, 2 Flammable Gas."

* * * * *

(d) Section 171.2 notwithstanding, a hazardous material (other than Class A or B explosives or radioactive materials) being imported into or exported from the United States or passing through the United States in the course of being shipped between places outside the United States may be offered and accepted for transportation and transported by motor vehicle within a single port area (including contiguous harbors) when packaged, marked, classed and labeled in accordance with the IMCO Code, if the hazardous material is offered and accepted in accordance with the requirements of Subparts C and F of Part 172 of this subchapter pertaining to shipping papers and placarding. (See § 176.11 for exceptions applicable to vessels.)

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

2. In § 171.101, the Hazardous Materials Table would be amended by revising the entries for "Lead dross" and "Metal borings, shavings, turnings or cuttings "to read as follows:

[4910-60-C]

§ 172.101 Hazardous Materials Table

(1)	(2)	(3)	(4)	(5)		(6)		(7)		
				Packaging		Maximum net quanity in one package		Water shipments		
*/ W/ A	Hazardous materials descriptions and proper shipping names	Hazard class	Labels(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	(Change)									
W	Lead dross (containing 3 percent or more [illegible] acid).	ORM-C	None	173.505	173.1010	-	-	1,2	1,2	Segregation same as for corrosive materials.
W	Metal borings, shavings, turnings, or cuttings (ferrous metals only, except stainless steel).	ORM-C	None	173.505	173.1025	-	-	1,2	1,2	Keep dry, not permitted if temperature of material is at or above 130°F.

PART 173—SHIPPERS—GENERAL REQUIREMENT FOR SHIPMENTS AND PACKAGINGS

3. In § 173.1010, the section heading would be revised and paragraph (a) would be deleted and replaced with an unlettered paragraph to read as follows:

§ 173.1010 Lead dross or scrap containing 3 percent or more free acid.

Lead dross or scrap containing 3 percent or more free acid, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged in steel barrels or drums or wooden barrels, boxes, or kegs.

4. In § 173.1025, the section heading and the section would be revised to read as follows:

§ 173.1025 Ferrous metal borings, shavings, turnings, or cuttings (excluding stainless steel).

Ferrous metal borings, shavings, turnings, or cuttings, other than stainless steel, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged in a metal barrel or drum.

PART 176—CARRIAGE BY VESSEL

5. In § 176.11, paragraph (a) would be revised to read as follows:

§ 176.11 Exceptions.

(a) A hazardous material being imported into or exported from the United States, or passing through the United States in the course of being shipped between places outside the United States, may be offered and accepted for transportation and transported by vessel when the requirements of the IMCO Code are substituted for the corresponding requirements of this subchapter with respect to either packaging, marking, labeling, classification, description, certification or placarding. All hazardous materials must otherwise be stowed and carried in accordance with this Part.

(1) Hazardous materials prepared in compliance with the above requirements may also be offered and accepted for transportation and transported by a motor vehicle used in connection with the discharge or loading of a vessel and not operating on a public street or highway.

(2) This exception does not apply to the following:

(i) A hazardous material classed as Explosive A or B, or Radioactive material, or

(ii) A material which is a hazardous material under this subchapter, but which is not a hazardous material under the provisions of the IMCO Code.

* * * * *

6. In § 176.30, the introductory text of paragraph (a), and paragraphs (a)(5)(ii), (c) and (d) would be revised; paragraph (e) would be added to read as follows:

§ 176.30 Dangerous cargo manifest.

(a) Except as provided in paragraph (d), the master of a vessel transporting hazardous materials or his authorized representative shall prepare a dangerous cargo manifest, list, or stowage plan. This document may not include a material which is not subject to the requirements of 49 CFR or the IMCO Code. This document must be kept in a designated holder on or near the vessel's bridge. It must contain the following information:

* * * * *

(5) * * *

(ii) The Inter-Governmental Maritime Consultative Organization's Dangerous Goods Code as follows:

(A) For classes 3, 7, 8 and 9, either the class named or numerical designation of the class must be used.

(B) For Classes 1, 4, 5, and 6, either the division name of numerical designation of the division must be used.

(C) For Class 2, the class name or numerical designation of the Class must be accompanied by the description "Flammable gas," "Nonflammable gas" or "Poison gas," as appropriate.

* * * * *

(c) The master, or a licensed deck officer designated by the master and attached to the vessel, or in the case of a barge, the person in charge of the barge, shall acknowledge the correctness of the dangerous cargo manifest, list, or stowage plan by his signature.

(d) For barges, manned or unmanned, the requirements of this section apply except for the following:

(1) In the case of a manned barge, the person in charge of the barge shall prepare the dangerous cargo manifest.

(2) In the case of an unmanned barge, the shipper is responsible for the preparation of a dangerous cargo manifest, list, or stowage plan and must designate an individual for that purpose.

(3) For all barges, manned or unmanned, the dangerous cargo manifest must be on board the barge in a readily accessible location and a copy must be furnished to the person in charge of the towing vessel.

(e) Each carrier who transports or stores hazardous materials on a vessel shall retain a copy of the dangerous cargo manifest, list, or stowage plan for at least one year, and shall make that document available for inspection in accordance with § 176.36(b).

7. In § 176.39 paragraph (a) would be revised to read as follows:

§ 176.39 Inspection of cargo.

(a) *Manned vessels.* The master of a vessel transporting hazardous materials shall cause an inspection of each hold, compartment or deck space (on deck and under deck) in which hazardous materials are stowed to be made after stowage is complete, and at least once every 24 hours thereafter, weather permitting, to ensure that the cargo is in a safe condition and that no damage caused by shifting, spontaneous heating, leaking, sifting, wetting, or other cause has been sustained by the vessel or its cargo since loading. However, freight containers or individual barges need not be opened. A vessel's holds equipped with smoke or fire detecting systems having an automatic monitoring capability need not be inspected except after stowage is complete and after periods of heavy weather. The master shall cause an entry to be made in the vessel's deck log book for each inspection of the hazardous materials performed.

* * * * *

8. Subpart F of Part 176 would be deleted, and a new Subpart F would be added to read as follows:

Subpart F—Special Requirements of Barges

Sec.
176.95 Application.
176.96 Materials of construction.
176.97 Prohibition of dump scows.
176.98 Stowage of hazardous materials on board barges.
176.99 Permit requirements for certain hazardous materials.

Subpart F—Special Requirements for Barges

§ 176.95 Application.

Except as provided in this subpart, the requirements prescribed elsewhere in this subchapter for vessels are applicable to the transportation of packaged hazardous materials on board barges.

§ 176.96 Materials of construction.

Unless otherwise approved by the Commandant, U.S. Coast Guard (GMHM, Washington, D.C., 202-426-1577) only barges constructed of steel are permitted to carry hazardous materials.

§ 176.97 Prohibition of dump scows.

Dump scows are barges having cargo carrying compartments of the hopper type and fitted with a bottom dump or a side dump. This type of barge is prohibited from the carriage of any class of hazardous materials.

§ 176.98 Stowage of hazardous materials on board barges.

A material for which "on deck" stowage only is required by Column (7) of the Hazardous Materials Table (§ 172.101 of this subchapter) may be stowed "under deck" on unmanned barges.

§ 176.99 Permit requirements for certain hazardous materials.

The permits required by §§ 176.100 and 176.415 for loading, unloading, and handling Class A Explosives, nitro carbo nitrate, and certain ammonium nitrates must be obtained when these materials are loaded on, unloaded from, or handled on board a barge or barge carrying vessel. However, a barge loaded with these materials being placed on, removed from, or handled on board a barge carrying vessel is not subject to these permit requirements.

9. Section 176.100 would be revised to read as follows:

§ 176.100 Permit for Class A explosives.

Before a shipment of Class A explosives may be discharged from, loaded on, handled, or restowed on board a vessel at any place in the United States, its territories, or its possessions (except the Panama Canal Zone), the carrier must obtain a permit from the nearest Captain of the Port. Exceptions to this permit requirement may be given only by the Captain of the Port or his authorized representative.

10. In § 176.415, paragraph (b)(6) would be added and paragraph (c)(2) would be revised to read as follows:

§ 176.415 Permit requirements for nitro carbo nitrate and certain ammonium nitrates.

* * * * *

(b) * * *

(6) Nitro carbo nitrate in a rigid container with non-combustible inside packaging.

(c) * * *

(2) If the material is ammonium nitrate (organic coated) in rigid metal drums with non-combustible inside packagings, an ammonium nitrate mixture containing more than 60 percent ammonium nitrate, or ammonium nitrate-phosphate, in rigid containers with combustible inside packagings, it must be loaded or unloaded at a facility removed from congested areas or high value or high hazard industrial facilities;

* * * * *

11. In § 176.905 paragraph (a) would be revised to read as follows:

§ 176.905 Motor vehicles or mechanical equipment powered by internal combustion engines.

(a) A motor vehicle or any mechanized equipment powered by an internal combustion engine is subject to the requirements of this subchapter when carried as cargo on a vessel if the engine or fuel tank contains fuel or if either battery cable is connected. Such vehicles or equipment are excepted from the requirements of this subchapter if the following requirements are met:

(1) For a motor vehicle or mechanical equipment having an internal combustion engine employing fuel classed as flammable by this subchapter, the fuel tank is empty, the engine is run until it stalls for lack of fuel, both battery cables are disconnected, and no hazardous material is stowed in the vehicle or equipment, or

(2) For motor vehicle or mechanical equipment having an internal combustion engine employing liquid fuel classed as combustible by this subchapter, the fuel tank contains 110 gallons of fuel or less, both battery cables are disconnected and no hazardous material is stowed in the vehicle or equipment.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a) of App. A to Part 106).

NOTE.—The Materials Transportation Bureau has determined that this document will not have a major impact under Executive Order 12044 and DOT implementing procedures (43 FR 9582). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C., on November 17, 1978.

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

[FR Doc. 78-33284 Filed 11-29-78; 8:45 am]

[1505-01-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 260]

STANDARDIZATION OF FISHERY PRODUCTS

Request for Information and Comments

Correction

In FR Doc. 78-32064, appearing at page 53047 in the issue of Wednesday, November 15, 1978, make the following changes:

1. On page 53048, second column, eighth paragraph, second line, "specificatins" should be corrected to read "specifications".

2. On page 53048, second column, under the heading, "Date Labeling For Perishable Fresh Fish and Fresh Fish Fillets." second paragraph, ninth line, "meetng" should be corrected to read "meeting".

3. On page 53048, third column, second complete paragraph, first sentence, "Full" should be corrected to read "Pull".

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6110-01-M]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

PLENARY SESSIONS

Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, that the membership of the Administrative Conference of the United States, which makes recommendations to administrative agencies, to the President, Congress, and the Judicial Conference of the United States regarding the efficiency, adequacy, and fairness of the administrative procedures used by administrative agencies in carrying out their programs, will meet in plenary session on Thursday, December 14, 1978, at 1:45 p.m., and on Friday, December 15, 1978, at 9:45 a.m., in hearing room B of the Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C.

The Conference will consider the following matters:

1. A proposed recommendation on Federal agency interaction with private standard-setting organizations in health and safety regulation.

2. A proposed recommendation on judicial review of benefits decisions of the Veterans' Administration.

Plenary sessions of the Conference are open to the public. Further information on the meeting, including copies of proposed recommendations and supporting reports, may be obtained from the Office of the Chairman, 2120 L Street NW., Suite 500, Washington, D.C. 20037, telephone 202-254-7020.

RICHARD K. BERG,
Executive Secretary.

NOVEMBER 27, 1978.

[FR Doc. 78-33578 Filed 11-29-78; 8:45 am]

[3410-05-M]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

GRAIN RESERVE PROGRAM

Suspension of Immediate Entries of 1978 Crop Corn Into the Grain Reserve Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Suspension of Immediate Entries of 1978 Crop Corn Into the Grain Reserve Program.

SUMMARY: The Secretary has determined that goals for feed grains in the reserve program will be reached and, therefore, immediate entry of 1978 crop corn into the Grain Reserve Program will be suspended after November 30, 1978.

EFFECTIVE DATE: Close of business in county ASCS offices on November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas A. VonGarlem, (202) 447-7954, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: Section 110 of the Agricultural Act of 1949, as amended, provides that the Secretary shall determine the quantity of feed grains to be stored under provisions of the Feed Grain Reserve Program. The Secretary, on August 9, 1978, announced the Department had set a reserve goal of 670 million bushels (corn equivalent) of feed grains including 500-575 million bushels of corn and 40-60 million bushels of sorghum. It was further announced at that time that this quantity included feed grains acquired by CCC through the price support loan program. At that time, CCC held an inventory of three million bushels (corn equivalent) of feed grains. The latest available data indicates that 675 million bushels (corn equivalent) of feed grains are in the farmer-owned reserve program, and 70 million bushels of feed grains in CCC's inventory, for a total of 745 million bushels.

At the time the Secretary announced the feed grain reserve goal, it was anticipated that this goal would result in the orderly marketing of feed grain stocks then held by producers and stocks yet to be harvested in 1978. Current data shows that major terminal market prices, adjusted to reflect prices received by farmers, remained near $2.00 per bushel between August 1978 and November 22, 1978. The Economics, Statistics, and Cooperative Service (ESCS) monthly prices in September 1977 averaged $1.60 and increased to $1.98 in September 1978. It is anticipated that prices will increase after harvest and neither feed grains outside the reserve nor those yet to be marketed, will cause a substantial price deterioration if the eligibility for immediate entry of 1978 crop corn is closed at this time.

NOTICE: In view of the foregoing, it is hereby determined that the goal for the farmer-owned feed grain reserve, announced August 9, 1978, will be achieved without further entry of 1978 crop corn, and therefore, no further 1978 crop corn will be eligible for immediate entry into the farmer-owned reserve after November 30, 1978, until further notice.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); sec. 110, 63 Stat. 1051, as amended (7 U.S.C. 1445e).)

Signed at Washington, D.C. on November 27, 1978.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-33533 Filed 11-27-78; 2:53 am]

[3410-11-M]

Forest Service

BRIDGER-TETON NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Bridger-Teton National Forest Grazing Advisory Board will meet 10:00 a.m., January 25, 1979 in the Conference Room of the Forest Supervisor's Office, Forest Service Building, 340 North Cache Street, Jackson, Wyoming. The purpose of this meeting is to discuss election of officers, rules for public participation, utilization of range betterment funds, development of allotment management plans and future meetings.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor Reid Jackson, Box 1888, Jackson, Wyoming 83001. Telephone (307) 733-2752. Written statements may be filed with the board before or after the meeting.

The board has established the following rules for public participation: None.

REID JACKSON,
Forest Supervisor.

NOVEMBER 22, 1978.

[FR Doc. 78-33474 Filed 11-29-78; 8:45 am]

[3410-11-M]

FOREST SERVICE

HOODOO-FISHER PLANNING UNIT

Intent To Prepare an Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an Environmental Statement for implementation of land management guidelines proposed for Hoodoo-Fisher Planning Units No. 24 and 25.

Hoodoo-Fisher is presently being managed under the Multiple Use Plan for the Libby and Fisher River Ranger Districts. Forty-four percent of the Unit has been disignated for optimized timber production, twenty-one percent is involved in the RARE II process, and twelve percent lies within the Cabinet Mountains Wilderness Area. Some provision has been made for viewing and big game winter range.

In formulating new guidelines for this Unit, input from other government agencies and from public organizations and individuals has been solicited. Issues of primary concern are the need for protection of grizzly bear and other wildlife habitat; preservation of the scenic quality of the Unit; off-road vehicle use in portions of the Unit adjacent to the Cabinet Mountains Wilderness Area; and the question of wilderness designation for Cabinet Face East Roadless Area (RARE II No. 671).

The Draft Environmental Statement for the Hoodoo-Fisher Planning Unit is scheduled for completion by February 1979, with a 60-day minimum review period. The Final Environmental Statement is scheduled for filing with the Environmental Protection Agency in September 1979.

Comments on the Notice of Intent or on management proposals for the Unit should be sent to Floyd J. Marita, Forest Supervisor, Kootenai National Forest, Libby, Montana 59923.

JAMES E. REID,
Acting Deputy Regional Forester.

NOVEMBER 22, 1978.

[FR Doc. 78-33538 Filed 11-29-78; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket No. 34041; Order 78-11-57]

ALLEGHENY AIRLINES, INC.

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

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November 1978.

By Order 78-11-56, issued concurrently with this order, we have proposed to realine the route system of United Air Lines in a manner which would, among other things, give United unrestricted authority in certain minor markets, listed in the attached Appendix A, where Allegheny holds restricted authority.[1] As explained in Orders 78-4-109, 77-11-74 and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Allegheny as well as United will give these carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-11-56, and those in Order 78-4-109, we tentatively find and conclude that the elimination of restrictions on Allegheny's operations in the markets listed in Appendix A is consistent with the public convenience and necessity and our policy of removing restrictions that serve no useful purpose and are otherwise wasteful and undesirable.[2]

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained; answers shall be filed 15 days after objections are due.

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

2. We direct any interested persons objecting to the issuance of an order making final the proposed findings, conclusions, and certificate amendment and modification set forth here, no later than December 27, 1978, to file with the Board and serve upon all persons listed in Appendix I of Order 78-11-56, a statement objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than January 11, 1979;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board; [3]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-11-56.[4]

We shall publish this order in the FEDERAL REGISTER.[5]

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-33565 Filed 11-29-78; 8:45 am]

[6320-01-M]

[Docket No. 34042; Order 78-11-58]

AMERICAN AIRLINES, INC.

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

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November 1978.

By Order 78-11-56, issued concurrently with this order, we have proposed to realign the route system of United Air Lines in a manner which would, among other things, give United unrestricted authority in the Rochester, N.Y.-San Diego market, a

[1] A minor market is one which generates fewer than 20 true O & D plus interline connecting passengers per day, or 7,300 per year. The traffic volume and Allegheny's current authority in each market are set forth in Appendix A to this order.

[2] We further tentatively find and conclude that Allegheny is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[3] All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[4] Appendices filed as part of the original document.

[5] All members concurred.

minor market where American holds restricted authority.[1] As explained in Orders 78-4-109, 77-11-74, and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on American as well as United will give these carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-11-56, and those in Order 78-4-109, we tentatively find and conclude that the elimination of restrictions on American's operations in the Rochester, N.Y.-San Diego market is consistent with the public convenience and necessity and our policy of removing restrictions that serve no useful purpose and are otherwise wasteful and undesirable.[2]

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained; answers shall be filed 15 days after objections are due.

Accordingly,

1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending American's certificate for Route 4 so as to remove operating restrictions in the Rochester, N.Y.-San Diego market;

2. We direct any interested persons objecting to the issuance of an order making final the proposed findings, conclusions, and certificate amendment and modification set forth here, no later than December 27, 1978, to file with the Board and serve upon all persons listed in Appendix I of Order 78-11-56, a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than January 11, 1979;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board;[3]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-11-56.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[4]
Secretary.

[FR Doc. 78-33566 Filed 11-29-78; 8:45 am]

[1] Since this market generated 6,710 true O&D plus interline connecting passengers for calendar year 1975, it meets the Board's definition of a minor market, i.e., one with less than 20 daily passengers.

[2] We further tentatively find and conclude that American is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Borad's rules, regulations, and requirements.

[3] All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[4] All Members concurred.

[6320-01-M]

[Docket No. 34043, Order 78-11-59]

BRANIFF AIRWAYS, INC.

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

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 16th day of November 1978.

By Order 78-11-56, issued concurrently with this order, we have proposed to realine the route system of United Air Lines in a manner which would, among other things, give United unrestricted authority in the Atlanta-Des Moines, Des Moines-Ft. Lauderdale and Des Moines-Tampa markets, minor markets where Braniff holds restricted authority.[1] As explained in Orders 78-4-109, 77-11-74, and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Braniff as well as United will give these carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-11-56, and those in Order 78-4-109, we tentatively find and conclude that the elimination of restrictions on Braniff's operations in the Atlanta-Des Moines, Des Moines-Ft. Lauderdale and Des Moines-Tampa markets is consistent with the public convenience and necessity and our policy of removing restrictions that serve no useful purpose and are otherwise wasteful and undesirable.[2]

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained; answers shall be filed 15 days after objections are due.

Accordingly, 1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Braniff's certificate for Route 9 so as to remove operating restrictions in the Atlanta-Des Moines, Des Moines-Ft. Lauderdale and Des Moines-Tampa markets;

2. We direct any interested persons objecting to the issuance of an order making final the proposed findings, conclusions, and certificate amendment and modification set forth here, no later than December 27, 1978, to file with the Board and serve upon all persons listed in Appendix I of Order 78-11-56, a statement of objections to-

[1] Since these markets generated 7,240, 3,120 and 6,730 true O & D plus interline connecting passengers, respectively, for calendar year 1975, they each meet the Board's definition of a minor market, i.e., one with less than 20 daily passengers.

[2] We further tentatively find and conclude that Braniff is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

gether with a summary of testimony, statistical data, and evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than January 11, 1979;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board;[3]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-11-56.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[4]
Secretary.

[FR Doc. 78-33567 Filed 11-29-78; 8:45 am]

[6320-01-M]

[Docket No. 34044; Order 78-11-60]

DELTA AIR LINES, INC.

Order To Show Cause Regarding Amendment of Certificate of Public Convenience and Necessity for Route 24

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November 1978.

By Order 78-11-56, issued concurrently with this order, we have proposed to realine the route system of United Air Lines in a manner which would, among other things, give United unrestricted authority in the Asheville-Greensboro and Dayton-Memphis markets, minor markets where Delta holds restricted authority.[1] As explained in Orders 78-4-109, 77-11-74, and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Delta as well as United will give these carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-11-56, and those in Order 78-4-109, we tentatively find and conclude that the elimination of restrictions on Delta's operations in the Asheville-Greensboro and Dayton-Memphis markets is consistent with the public convenience and necessity and our policy of removing restrictions that serve no useful purpose and are otherwise wasteful and undesirable.[2]

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained; answers shall be filed 15 days after objections are due.

Accordingly, 1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Delta's certificate for Route 24 so as to remove operating restrictions in the Asheville-Greensboro and Dayton-Memphis markets;

2. We direct any interested persons objecting to the issuance of an order making final the proposed findings, conclusions, and certificate amendment and modification set forth here, no later than December 27, 1978, to file with the Board and serve upon all persons listed in Appendix I of Order 78-11-56, a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than January 11, 1979;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board; [3]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-11-56.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[4]
Secretary.

[FR Doc. 78-33568 Filed 11-29-78; 8:45 am]

[6320-01-M]

FORMER LARGE IRREGULAR AIR SERVICE INVESTIGATION

[Docket No. 33363]

Cancellation of Hearing

The hearing on the application of Miami Air Lease, Inc., set for 27 November 1978 (43 F.R. 47764, 10/17/78), is canceled for good cause shown.

Dated at Washington, D.C., November 22, 1978.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 78-33575 Filed 11-29-78; 8:45 am]

[6320-01-M]

[Docket No. 34045; Order 78-11-61]

FRONTIER AIRLINES, INC.

Order To Show Cause Regarding Amendment of Certificate of Public Convenience and Necessity for Route 73

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November 1978.

By Order 78-11-56, issued concurrently with this order, we have proposed to realign the route system of United Air Lines in a manner which would, among other things, give United unrestricted authority in the Grand Junction-Memphis market, a minor market where Frontier holds restricted authority.[1] As explained in Orders 78-4-109, 77-11-74, and 76-5-

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[3] All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[4] All Members concurred.

[1] Since these markets generated 1,820 and 7,230 true O & D plus interline connecting passengers, respectively, for calendar year 1975, they each meet the Board's definition of a minor market, i.e., one with less than 20 daily passengers.

[2] We further tentatively find and conclude that Delta is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[3] All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[4] All Members concurred.

[1] Since this market generated 430 true O&D plus interline connecting passengers for calendar year 1975, it meets the Board's definition of a minor market, i.e., one with less than 20 daily passengers.

101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Frontier as well as United will give these carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-11-56, and those in Order 78-4-109, we tentatively find and conclude that the elimination of restrictions on Frontier's operations in the Grand Junction-Memphis market is consistent with the public convenience and necessity and our policy of removing restrictions that serve no useful purpose and are otherwise wasteful and undesirable.[2]

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained; answers shall be filed 15 days after objections are due.

Accordingly,

1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Frontier's certificate for Route 73 so as to remove operating restrictions in the Grand Junction-Memphis market;

2. We direct any interested persons objecting to the issuance of an order making final the proposed findings, conclusions, and certificate amendment and modification set forth here, no later than December 27, 1978, to file with the Board and serve upon all persons listed in Appendix I of Order 78-11-56, a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than January 11, 1979;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board; [3]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-11-56.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[4]
Secretary.

[FR Doc. 78-33569 Filed 11-29-78; 8:45 am]

[2] We further tentatively find and conclude that Frontier is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[3] All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[4] All Members concurred.

[6320-01-M]

[Docket No. 34046; Order 78-11-62]

HUGHES AIR CORP., D.B.A. HUGHES AIRWEST

Order To Show Cause Regarding. Amendment of Certificate of Public Convenience and Necessity for Route 76

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November 1978.

By Order 78-11-56, issued concurrently with this order, we have proposed to realign the route system of United Air Lines in a manner which would, among other things, give United unrestricted authority in certain minor markets, listed in the attached Appendix A, where Hughes Airwest holds restricted authority.[1] As explained in Orders 78-4-109, 77-11-74 and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Hughes Airwest as well as United will give these carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-11-56, and those in Order 78-4-109, we tentatively find and conclude that the elimination of restrictions on Hughes Airwest's operations in the markets listed in Appendix A is consistent with the public convenbience and necessity and our policy of removing restrictions that serve no useful purpose and are otherwise wasteful and undesirable.[2]

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained; answers shall be filed 15 days after objections are due.

Accordingly, 1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Hughes Airwest's certificate for Route 76 so as to remove operating restrictions in the markets listed in Appendix A;

2. We direct any interested persons objecting to the issuance of an order making final the proposed findings, or conclusions, and certificate amendment and modification set forth here, no later than December 27, 1978, to file with the Board and serve upon all persons listed in Appendix I of Order 78-11-56, a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than January 11, 1979;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues

[1] A minor market is one which generates fewer than 20 true O & D plus interline connecting passengers per day, or 7,300 per year. The traffic volume and Hughes Airwest's current authority in each market are set forth in Appendix A to this order, which is filed as part of the original document.

[2] We further tentatively find and conclude that Hughes Airwest is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

raised before further action is taken by the Board; [3]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and,

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-11-56.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[4]
Secretary.

[FR Doc. 78-33570 Filed 11-29-78; 8:45 am]

[6320-01-M]

NATIONAL AIRLINES, INC.

[Docket No. 34047; Order 78-11-63]

Order To Show Cause Regarding Amendment of Certificate of Public Convenience and Necessity for Routes 31 and 39

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November 1978.

By Order 78-11-56, issued concurrently with this order, we have proposed to realign the route system of United Air Lines in a manner which would, among other things, give United unrestricted authority in certain minor markets, listed in the attached Appendix A, where National holds restricted authority.[1] As explained in Orders 78-4-109, 77-11-74 and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on National as well as United will give these carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-11-56, and those in Order 78-4-109, we tentatively find and conclude that the elimination of restrictions on National's operations in the markets listed in Appendix A is consistent with the public convenience and necessity and our policy of removing restrictions that serve no useful purpose and are otherwise wasteful and undesirable.[2]

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained; answers shall be filed 15 days after objections are due.

Accordingly, 1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending National's certificate for Routes 31 and 39 so as to remove operating restrictions in the markets listed in Appendix A;

2. We direct any interested persons objecting to the issuance of an order making final the proposed findings, or conclusions, and certificate amendment and modification set forth here, no later than December 27, 1978, to file with the Board and serve upon all persons listed in Appendix I of Order 78-11-56, a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than January 11, 1979;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board; [3]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-11-56

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-33571 Filed 11-29-78; 8:45 am]

[6320-01-M]

NORTH CENTRAL AIRLINES, INC.

[Docket No. 34048; Order 78-11-64]

Order To Show Cause Regarding Amendment of Certificate of Public Convenience and Necessity for Route 86

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November 1978.

By Order 78-11-56, issued concurrently with this order, we have proposed to realign the route system of United Air Lines in a manner which would, among other things, give United unrestricted authority in certain minor markets, listed in the attached Appendix A, where North Central holds restricted authority.[1] As explained in Orders 78-4-109, 77-11-74 and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on North Central as well as United will give these carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-11-56, and those in Order 78-4-109, we tentatively find and conclude that the elimination of restrictions on North Central's operations in the markets listed in Appendix A is consistent with the public convenience and necessity and our policy of removing restrictions that serve no useful

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[3] All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[4] All Members concurred.

[1] A minor market is one which generates fewer than 20 true O & D plus interline connecting passengers per day, or 7,300 per year. The traffic volume and National's current authority in each market are set forth in Appendix A to this order which is filed as part of the original document.

[2] We further tentatively find and conclude that National is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[3] All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[1] A minor market is one which generates fewer than 20 true O & D plus interline connecting passengers per day, or 7,300 per year. The traffic volume and North Central's current authority in each market are set forth in Appendix A to this order which is filed as part of the original document.

purpose and are otherwise wasteful and undesirable.[2]

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained; answers shall be filed 15 days after objections are due.

Accordingly, 1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending North Central's certificate for Route 87 so as to remove operating restrictions in the markets listed in Appendix A;

2. We direct any interested persons objecting to the issuance of an order making final the proposed findings, conclusions, and certificate amendment and modification set forth here, no later than December 27, 1978, to file with the Board and serve upon all persons listed in Appendix I of Order 78-11-56, a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than January 11, 1979;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board; [3]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-11-56.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[4]
Secretary.

[FR Doc. 78-33572 Filed 11-29-78; 8:45 am]

[2] We further tentatively find and conclude that North Central is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[3] All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[4] All Members concurred.

[6320-01-M]

[Docket No. 34049; Order 78-11-65]

PIEDMONT AVIATION, INC.

Order To Show Cause Regarding Amendment of Certificate of Public Convenience and Necessity For Route 87

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November 1978.

By Order 78-11-56, issued concurrently with this order, we have proposed to realine the route system of United Air Lines in a manner which would, among other things, give United unrestricted authority in the Asheville-Columbus and Baltimore-Richmond markets, minor markets where Piedmont holds restricted authority.[1] As explained in Orders 78-4-109, 77-11-74, and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Piedmont as well as United will give these carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-11-56, and those in Order 78-4-109, we tentatively find and conclude that the elimination of restrictions of Piedmont's operations in the Asheville-Columbus and Baltimore-Richmond markets is consistent with the public convenience and necessity and our policy of removing restrictions that serve no useful purpose and are otherwise wasteful and undesirable.[2]

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained; answers shall be filed 15 days after objections are due.

Accordingly, 1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Piedmont's certificate for Route 87 so as to remove operating restrictions in the Asheville-Columbus and Baltimore-Richmond markets;

2. We direct any interested persons objecting to the issuance of an order making final the proposed findings, conclusions, and cerfificate amendment and modification set forth here, no later than December 27, 1978, to file with the Board and serve upon all persons listed in appendix I of Order 78-11-56, a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than January 11, 1979;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board;[3]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part of parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. We shall serve a copy of this order upon all persons listed in appendix I of Order 78-11-56.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[4]
Secretary.

[FR Doc. 78-33573 Filed 11-29-78; 8:45 am]

[1] Since these markets generated 1,390 and 1,890 true O. & D. plus interline connecting passengers, respectively, for calendar year 1975, they each meet the Board's definition of a minor market, i.e., one with less than 20 daily passengers.

[2] We further tentatively find and conclude that Piedmont is a citizen of the United States within the meaning of the act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the act and the Board's rules, regulations, and requirements.

[3] All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[4] All members concurred.

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket Nos. 28755, etc.; Order 78-11-56]

UNITED AIR LINES, INC.

Order To Show Cause Regarding, Route Realignment and Restriction Removal

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November 1978.

By application and petition filed January 14, 1976, and by amended application and petition filed January 6, 1977, United Air Lines, Inc., has requested the Board to issue an order directing all interested persons to show cause why United's certificates of public convenience and necessity for Routes 1, 14, 34 and 51 should not be amended to realign its existing 19 domestic segments into two linear segments (one of which includes a mainland-Hawaii segment)[1] and to eliminate certain conditions which United claims are no longer required for competitive reasons and which impede the carrier's operating flexibility.[2] United has also requested a waiver of Part 312 of the Board's Procedural Regulations, which requires the filing of an environmental evaluation.

In support of its applications, United submits that: its route system is burdened by numerous segment and route junction stop requirements and certificate conditions; relief from these restrictions would facilitate increased scheduling flexibility, better crew and equipment utilization and improved service to the public, without any significant impact on competing carriers; and its submission conforms with the Board's realignment guidelines, with some minor proposed changes.

Answers in general support were filed by the Kansas City parties,[3] the Muskegon County Airport Committee, the Norfolk Port and Industrial Authority, the Grand Rapids parties,[4] the Colorado parties,[5] the Peninsula Airport Commission, and the Las Vegas parties.[6] Answers in general opposition were filed by the State of Maryland and the Port of Oakland. Answers in partial opposition and/or partial support were filed by the Niagara Frontier Transportation Authority and the Buffalo Area Chamber of Commerce, the Philadelphia parties,[7] and the Rochester Area Chamber of Commerce, Inc. The Iowa Department of Transportation filed a petition for leave to intervene.

The following local service carriers filed specific objections to United's proposal as it affects individual markets, as well as a variety of general objections directed to the question of realigning the route systems of trunkline carriers: Allegheny Airlines, Frontier Airlines, North Central Airlines, Piedmont Aviation,[8] and Texas International Airlines.[9]

Answers were also filed by Air California, Air Wisconsin, American Airlines, Braniff Airways, Continental Air Lines, Delta Air Lines, Eastern Air Lines, Northwest Airlines, Trans World Airlines, and Western Air Lines.

United filed a reply, addressing the objections raised by the other parties.

As stated in the recent Continental, Ozark, Delta, and Western route realignments,[10] it is our policy to realign the route systems of the certificated scheduled carriers to maximize the opportunities for scheduling flexibility and equipment utilization, to conform route authority to traffic flows, and to eliminate or modify certificate conditions which serve no useful purpose, impair meaningful market development, and inhibit significant improvement in the carrier's economic performance. These objectives are equally applicable to trunk and local service carriers.[11]

We tentatively conclude that United's proposed realignment, as modified by this order, conforms with the Board's policy and objectives discussed above and that substantial public service and carrier benefits will result from the realigned route system. The proposed realignment will offer United the potential for significant improvement in operating efficiency and will permit it to provide improved service to the traveling public.

Several of the local service carriers object to United's petitions on the general grounds that our realignment of trunk carriers, through show-cause procedures, is unwise. These carriers and other parties also express concern that the award of improved authority to United in minor and monopoly markets will create dormant authority in those markets which will serve to discourage attempts by other carriers to enter the affected markets. They suggest that any improvement in authority to United could retard needed service expansion, contrary to the public interest. To remedy this alleged harm of the realignment program, several civic parties[12] suggest that the Board adopt a policy that, if any particular route authority awarded in a realignment is not used during a 12-month period and another carrier seeks that authority, an award of operating rights on that particular route be made to the latter carrier and the incumbent's rights be deleted automatically.

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[1] A map showing the realigned system as proposed by this order is set forth in appendix A. The realigned system consists of the two linear segments proposed by United and a third segment on which nonstop service between Cleveland and San Diego was authorized after United's amended application was filed. United's certificate for its international Route 57 is unaffected by the applications and petitions.

[2] On June 29, 1976, United filed an application and show-cause petition in Docket 29462 for amendment of its certificate of public convenience and necessity for route 1 to remove a long-haul restriction which restricted United's nonstop service between Boston and Chicago to flights originating or terminating at Omaha or a point west thereof. By Order 76-8-3, dated August 2, 1976, the Board deferred action on United's restrictions removal application for consideration in its route realignment proceeding. We have considered in this proceeding United's application in Docket 29462 and its application in Docket 33213, dated August 17, 1978, which requested removal of the same restriction, and we have decided that a long-haul restriction on nonstop service between Boston and Chicago should be retained. However, we have modified the restriction so that it can be satisfied by service to any point on United's route beyond either Chicago or Boston. In view of this action, we will dismiss United's applications in Dockets 29462 and 33213.

[3] The City of Kansas City and the Chamber of Commerce of Greater Kansas City.

[4] The City of Grand Rapids, the Grand Rapids Area Chamber of Commerce, and the County of Kent, Michigan.

[5] The City and County of Denver, and the Public Utilities Commission of the State of Colorado.

[6] Clarke County, Nevada, the Greater Las Vegas Chamber of Commerce, the City of Las Vegas, the Nevada Resort Association, and the Las Vegas Convention/Visitors Authority.

[7] The City of Philadelphia and the Greater Philadelphia Chamber of Commerce.

[8] In its answer filed March 7, 1977, to United's route realignment petition, Piedmont indicated that it was filing a concurrent application for nonstop authority in a number of markets where United was requesting such authority. Piedmont requested that its application, which was filed in Docket 30585, be considered contemporaneously with United's request. American filed an answer opposing consolidation of Piedmont's application with United's petition for route realignment. Piedmont's application has not been consolidated with this proceeding, and American's interest in certain markets named in Piedmont's application has been considered in both American's and United's route realignment proceedings. American's interest in certain other markets will be considered when Piedmont's application is processed. We note that Piedmont has not requested an expedited hearing on its application.

[9] Additionally, all eight local service carriers filed a motion requesting a stay of further procedural steps on trunkline realignment applications for purposes of receiving written and oral argument on certain alleged legal and policy issues concerning trunk realignments. This motion was denied in the Western realignment proceeding by Order 77-11-74, November 17, 1977, at 4-13. See also, Order 78-4-109, April 19, 1978, at n. 6, for a fuller history of this motion.

[10] Orders 78-7-91, 78-6-4, 78-4-109, and 77-11-74, making final Order 76-5-101.

[11] Orders 78-7-91 at 3, 78-6-4 at 2, and 78-4-109 at 4-5.

[12] The Las Vegas Parties and the Muskegon County Airport Committee.

In addition, several carriers have raised the *Ashbacker*[13] doctrine as a bar to the Board's individual consideration of requests by United for improved authority in specific markets.

It will suffice here to say that we have rejected these contentions in the past and reject them here, and we refer to out *Delta* order[14] for a full discussion of these issues.[15]

Air California objects to the grant of nonstop authority in certain intra-California markets it currently serves.[16] We have chosen not to grant United unrestricted nonstop authority in these markets, based on the realignment guidelines. In the *Western* and *Delta* realignment proceedings, *supra*, we developed guidelines for deciding what improvements in authority are warranted in particular types of markets, and our reasons are discussed at length in those decisions. We have applied those guidelines here, and we do not feel that the record supports any alterations or exceptions to them in this case.[17]

Finally, United has requested a waiver of the requirements of Part 312 of the Board's Procedural Regulations, which require the filing of an environmental evaluation. In support of this request, United asserts that it can reasonably be expected that United will institute service which meets the needs of the traveling public in the most efficient manner from which the Board can assume that grant of United's amended application will not have a negative impact upon the environment. Further, United indicates that at this time it is not proposing additional service as a result of its proposals.

We will waive the requirement that United file an environmental evaluation. Further, we tentatively conclude that the action we propose here will not constitute a major action significantly affecting the quality of the environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA).[18]

The proposed restriction removals for Allegheny, American, Braniff, Delta, Frontier, Hughes Airwest, National, North Central, Piedmont, and Western (in separate orders to show cause) will enable those carriers to operate more efficiently and will not constitute either major Federal actions within the meaning of NEPA or major regulatory actions within the meaning of the Energy Policy and Conservation Act.

We further conclude that United is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed economic analysis. If an evidentiary hearing, complete with the opportunity for oral cross-examination, is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained; answers shall be filed 15 days after objections are due.

Accordingly, 1. We direct all interested persons to show cause why we should not issue an order making final the tentative findings and conclusions stated here and amending United's certificates for Routes 1, 14, 34, and 51 in the manner set forth in the accompanying proposed certificate (Appendix B);

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, no later than December 27, 1978, file with us and serve upon all persons listed in Appendix I, a statement of objections, together with a summary of testimony, statistical data, and evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than January 11, 1979;

3. If timely and properly supported objections are filed, we will accord full consideration to the matters or issues raised by the objections before we take further action.[19]

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

5. We grant the motion of the Iowa Department of Transportation for leave to intervene;

6. We grant United's application for a waiver of Part 312;

7. We dismiss United's applications in Dockets 29462 and 33213 to remove a long-haul restriction on its nonstop service between Boston and Chicago; and

8. We shall serve a copy of this order upon all persons listed in Appendix I.[20]

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[21]
Secretary.

[FR Doc. 78-33563 Filed 11-29-78; 8:45 am]

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[13] *Ashbacker Radio Corp.* v. *F.C.C.*, 326 U.S. 327 (1945).

[14] Delta Realignment Proceeding, Order 76-4-109 at 5-8.

[15] In addition, by Pub. L. 95-504, Congress enacted a new section 401(d)(5) of the Federal Aviation Act which provides procedures by which authority can be awarded quickly to carriers seeking to provide service in markets in which dormant authority exists.

[16] These markets are Ontario-Oakland, Ontario-San Diego, San Diego-San Jose, and San Jose-Sacramento.

[17] The objections of other carriers as they apply to specific markets and the proposed improvements in United's authority are set forth in detail in Appendices C through H, attached to this order.

[18] We further tentatively conclude that this action will not constitute a major regulatory action within the meaning of the Energy Policy and Conservation Act and does not require an energy statement pursuant to Part 313 of our Procedural Regulations.

[19] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and we will entertain no further motions, requests, or petitions for reconsideration of this order.

[20] Appendices A through I are filed as a part of the original document.

[21] All Members concurred.

[6320-01-M]

[Docket Nos. 32528, 32574; Order 78-11-54]

UNITED AIR LINES, INC., AND BRANIFF AIRWAYS, INC.

Application for Amendments of Certificate of Public Convenience and Necessity; Order To Show Cause; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November 1978.

Order 78-11-54, November 16, 1978, inadvertently granted Braniff's motion in Docket 32574 to consolidate its application into Docket 32528. (Our dismissal of United's application in Docket 32528 automatically closed the docket.) We should have denied Braniff's motion to consolidate its application into Docket 32528 and indicated that it is in Docket 32574 that we shall consider all objections to our proposed amendments of the certificates of Braniff, Continental, Frontier and TWA.[1]

Accordingly, Ordering Paragraphs 1 and 3 of Order 78-11-54, page 54676, November 22, 1978, should read:

"1. We direct all interested persons to show cause, in docket 32574, why we should not issue an order making final the tentative findings and conclusions stated here and amending (1) Braniff's certificate for Route 9 so as to authorize nonstop transportation between Kansas City and Denver; (2) Continental's certificate for Route 29 so as to

[1] 43 FR 54675, November 22, 1978.

delete condition (6); (3) Frontier's certificate for Route 73, so as to delete the long-haul restriction on flights between Denver and Kansas City; and (4) TWA's certificate for Route 2 so as to delete condition (19);

"3. We deny Braniff Airways' motion (Docket 32574) to consolidate its application into Docket 32528;".

Dated: November 22, 1978.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-33564 Filed 11-29-78; 8:45 am]

[6320-01-M]

[Docket No. 34050; Order 78-11-66]

WESTERN AIRLINES, INC.

Order To Show Cause Regarding Amendment of Public Convenience and Necessity for Route 19

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November 1978.

By Order 78-11-56, issued concurrently with this order, we have proposed to realign the route system of United Air Lines in a manner which would, among other things, give United unrestricted authority in certain minor markets listed in the attached Appendix A where Western holds restricted authority.[1] As explained in Orders 78-4-109, 77-11-74, and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Western as well as United will give these carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-11-56, and those in Order 78-4-109, we tentatively find and conclude that the elimination of restrictions on Western's operations in the markets listed in Appendix A is consistent with the public convenience and necessity and our policy of removing restrictions that serve no useful purpose and are otherwise wasteful and undesirable.[2]

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained; answers shall be filed 15 days after objections are due.

Accordingly, 1. We direct all interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Western's certificate for Route 19 so as to remove operating restrictions in the markets listed in Appendix A;

2. We direct any interested persons objecting to the issuance of an order making final the proposed findings, conclusions, and certificate amendment and modification set forth here, no later than December 27, 1978, to file with the Board and serve upon all persons listed in Appendix I of Order 78-11-56, a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support the stated objections; answers to objections shall be filed no later than January 11, 1979;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board;[3]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final actions; and

5. We shall serve a copy of this order upon all persons listed in Appendix I of Order 78-11-56.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[4]
Secretary.

[FR Doc. 78-53574 Filed 11-29-78; 8:45 am]

[1505-01-M]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL WHOLESALE TRADE

Consideration; Withdrawal of Previously Published Document

The Bureau of the Census, Commerce Department, notice document appearing at page 53051 in the FEDERAL REGISTER of Wednesday, Novemer 15, 1978 is hereby withdrawn in its entirety and is replaced by the following correct Bureau of the Census, Commerce Department document.

[1505-01-M]

SURVEY OF RETAIL SALES AND INVENTORIES

Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to repeat in 1979 the Annual Retail Trade Survey, which has been conducted each year since 1951 (except 1954) under title 13, United States Code, section 182, 224, and 225. This survey is conducted to collect data covering year-end inventories and annual sales of retail trade establishments. This survey, which would provide data for 1978, is the only continuing source available on a comparable classification and a timely basis for use as a benchmark for developing retail inventory estimates.

Information and recommendations received by the Bureau of the Census indicate that the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and that the data are not publicly available from nongovernment or other governmental sources.

Such a survey, if conducted, shall begin not earlier than December 31, 1978.

Reports will be required only from a selected sample of firms operating retail establishments in the United States, with probability of selection based on their sales size. The sample will provide, with measurable reliability, statistics on the subjects specified above.

Copies of the proposed forms and a description of the collection methods are available upon request to the Di-

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[1] A minor market is one which generates fewer than 20 true O & D plus interline connecting passengers per day, or 7,300 per year. The traffic volume and Western's current authority in each market are set forth in Appendix A to this order which is filed as part of the original document.

[2] We further tentatively find and conclude that Western is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

[3] All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[4] All Members concurred.

rector, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey will receive consideration if submitted in writing to the Director of the Bureau of the Census on or before December 31, 1978.

Dated: November 9, 1978.

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

[FR Doc. 78-32109 Filed 11-14-78; 8:45 am]

[3510-25-M]

Industry and Trade Administration

[45-1 (Amendment 4); Transmittal No. 244]

BUREAU OF TRADE REGULATION

Organization and Function Order

This order amends ITA Organization and Function Order 45-1 of December 4, 1977, as amended (42 FR 64716, 43 FR 13599, 43 FR 29345, 43 FR 31426), as follows:

Section 3.11 is added to read:

.11 The Director, Statutory Import Programs Staff, may redelegate any power or function conferred by this delegation. The Director is authorized, notwithstanding the reservation of rulemaking authority to the DAS, to sign documents for publication in the FEDERAL REGISTER making editorial and other nonsubstantive changes to rules and regulations.

Effective date: November 8, 1978.

FRANK A. WEIL,
Assistant Secretary
for Industry and Trade.

STANLEY J. MARCUSS,
Deputy Assistant Secretary
for Trade Regulation.

[FR Doc. 78-33475 Filed 11-29-78; 8:45 am]

[6355-01-M]

CONSUMER PRODUCT SAFETY COMMISSION

NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Meeting: National Advisory Committee for the Flammable Fabrics Act.

SUMMARY: This notice announces a meeting of the National Advisory Committee on Monday, December 18, 1978 from 10:00 a.m. to 4 p.m., and Tuesday, December 19, 1978 from 9:30 a.m. to 4 p.m. The meeting on December 18 will be held at the National Bureau of Standards (NBS) in Gaithersburg, Maryland. On December 19, the meeting will be held in Room 2008, New Executive Office Building, 17th and H Streets NW., Washington, D.C.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sadye E. Dunn, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207 (202-634-7700).

SUPPLEMENTARY INFORMATION: The National Advisory Committee provides advice and recommendations on Commission proposals and plans to reduce the frequency and severity of burn injuries involving flammable fabrics. The meeting on Monday, December 18 will be devoted to an orientation session primarily for the benefit of new committee members combined with a tour of the NBS fire facilities with emphasis on textile flammability.

On Tuesday, December 19, the meeting will be devoted to discussion of a proposed upholstered furniture flammability standard. The meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentations to the National Advisory Committee should notify the Office of the Secretary (see address above) by December 11, 1978. The notification should list the name of the individual who will make the presentation, the person, company, group or industry on whose behalf the presentation will be made, the subject matter, and the approximate time requested. Time permitting, these presentations and other statements from the audience to members of the committee may be allowed by the presiding officer.

Dated: November 27, 1978.

SADYE E. DUNN,
Secretary, Consumer
Product Safety Commission.

[FR Doc. 78-33534 Filed 11-29-78; 8:45 am]

[3710-92-M]

DEPARTMENT OF DEFENSE

Department of the Army

HARBOR OF REFUGE PROJECT AT PORT ONTARIO, N.Y.

Intent To Prepare a Draft Environmental Impact Statement (DEIS)

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: Notice is hereby given of the Corps of Engineers, Buffalo District, decision to prepare DEIS for a proposed project at Port Ontario, New York. The proposed project will provide for a harbor of refuge in the Mexico Bay region of Lake Ontario at the mouth of the Salmon River.

DATE: DEIS will be released for public review on or before January 15, 1979.

ADDRESS: Questions about the proposed action and DEIS can be answered by:

Colonel Daniel D. Ludwig, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, New York 14207.

By authority of the Secretary of the Army:

Dated: NOVEMBER 21, 1978.

ROME D. SMYTH,
Colonel, U.S. Army, Director, Administrative Management, TAGCEN.

[FR Doc. 78-33477 Filed 11-29-78; 8:45 am]

[3710-92-M]

PROPOSED PLASTICS PLANT AT SAVERTON, MO.

Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS)

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a draft Environmental Impact Statement (DEIS).

SUMMARY: Borg-Warner Chemicals, a division of the Borg Warner Corporation of Parkersburg, West Virginia, proposes to construct a (ABS) Plastics Plant at Saverton, Missouri. The proposed plant site is located at Saverton, Ralls County, Missouri adjacent to the Mississippi River. Borg-Warner has applied for a Department of the Army permit for a barge docking facility and an outfall structure which are part of the proposed plant. This permit application is being processed under Section 10 of the River and Harbor Act of 1899 and Section 404 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1344).

Notice is hereby given of the Corps of Engineers, Rock Island District, assumption of "lead agency" responsibility for Federal action and the decision to prepare a DEIS for the proposed plastics plant. The DEIS will cover all aspects of plant construction and operation.

DATE: DEIS will be released for public review on or before November 30, 1978.

ADDRESS: Questions regarding the proposed action and the Environmental Impact Statement should be directed to: F. W. Mueller, Jr., Colonel, Corps of Engineers, District Engineer, Rock Island District, Corps of Engineers, Clock Tower Building, Rock Island, Illinois 61201.

By authority of the Secretary of the Army:

Dated: November 21, 1978

ROME D. SMYTH,
Colonel, U.S. Army, Director, Administrative Management, TAGCEN.

[FR Doc. 78-33476 Filed 11-29-78; 8:45 am]

[3810-700-M]

Office of the Secretary

IMPROVING GOVERNMENT REGULATIONS

Agenda of Significant Regulatory Activity

The Department of Defense, under E.O. 12044, "Improving Government Regulations," requires publication of a semiannual agenda of those regulations selected for review or development during the subsequent six month period. This publication containes the Defense Department's initial agenda and its procedures for implementing this requirement and subsequent agenda publication requirements.

AGENDA PUBLICATION PROCESS

The organizations within the Department of Defense, affected under the provisions of E.O. 12044, will submit their semiannual agendas through their respective component heads to the Deputy Assistant Secretary of Defense (Administration) for review and presentation to the Secretary of Defense for approval at least 30 days prior to agenda publication dates of 30 Nov. and 31 May of each year.

AGENDA REQUIREMENTS

Future agendas will include: 1. the regulations being reviewed or developed, 2. the legal basis for each regulation under consideration (if applicable), 3. the purpose of each regulation under development, 4. whether or not a regulatory analysis will be required, 5. the status or those regulations previously published, and 6. the component and knowledgeable official processing the regulation. The following initial agenda is published for review. Public comments are invited prior to the dates indicated.

SEMIANNUAL AGENDA OF REGULATIONS

The following regulation is currently under development:

A proposed significant regulation, "Determinations of Active Duty and Discharge; Civilian or contractual Personnel," was originally published as a proposed rule on September 13, 1978 (53 FR 40884) to implement the provisions of section 401 of Pub. L. 95-202, The G.I. Bill Improvement Act of 1977.

This act directs the Secretary of Defense to determine if civilian employment or contractual service rendered by groups to the Armed Forces of the United States shall be considered active duty and, if the finding is affirmative, it shall issue each member of such group a discharge under honorable conditions if the service of each member so warrants.

For further information contact Captain Mary C. Pruitt, USAF, telephone 202-694-5204 or 694-5074.

The following regulations appearing in Chapter I, Title 32, of the CFR are now under review. They do not require regulatory analysis.

For further information contact Margarete S. Healy, telephone 202-797-411.

32 CFR 43a. Indebtedness of Military Personnel. Published as a proposed regulation in the FEDERAL REGISTER April 26, 1978 (43 FR 17838); public comment period extended (43 FR 23001). Now in final preparation. Estimated completion date: January 1979. It will be republished in final form shortly thereafter.

32 CFR 67. Allocation of Reserve Forces Units to Local Communities. Published in the FEDERAL REGISTER on December 11, 1971 (36 FR 23626). A revision is scheduled to be published in December 1978.

32 CFR 75. Conscientious Objectors. Published in the FEDERAL REGISTER on November 23, 1971 (36 FR 22231). A revised version is now under review. Estimated publication date: February 1979.

32 CFR 89 Civilian Pay Allotments. Published in the FEDERAL REGISTER on March 30, 1978 (33 FR 5216) and a change on November 25, 1971 (36 FR 22576). It is now being formally recoordinated and will be reissued. Estimated publication date: May 1979.

32 CFR 157. Certification for Access to Scientific and Technical Information Published in the FEDERAL REGISTER on October 13 1965 (30 FR 13008). It is now being recoordinated, reviewed, and will be reissued. Estimated publication date: July 1979.

32 CFR 159. Information Security Program. Published in the FEDERAL REGISTER on August 3, 1976 (37 FR 15624), and a revision on May 23, 1974 (39 FR 18228). It was again revised, and the revision's publication in the FEDERAL REGISTER is imminent.

32 CFR 168. Engineering and Technical Service Management and Control. Published in the FEDERAL REGISTER on September 6, 1967 (32 FR 12718). It is scheduled for review and reissue. Estimated publication date: September 1979.

32 CFR 169. Commercial or Industrial Activities. Published in the FEDERAL REGISTER on August 31, 1967 (32 FR 12607), it was revised and republished on March 22, 1969 (34 FR 14184). It is now under revision and awaiting publication of the revised OMB Circular A-76 on which it is based. Estimated publication date: 180 days after publication of OMB Circular A-76.

32 CFR 169a. Commercial or Industrial Activities—Operation of. Published in the FEDERAL REGISTER on September 1, 1967 (32 FR 12675); an amendment was published on May 23, 1969 (34 FR 8108); another amendment on May 30, 1979 (34 FR 8355); and a revision republished on August 18, 1971 (36 FR 15747). It is awaiting publication of the revised OMB Circular A-76, after which it will again be revised. Estimated publication date: 180 days after publication of the OMB Circular A-76.

32 CFR 177. Emergency Requirements, Allocations, Priorities, and Permits for DoD use of domestic Civil Transportation. Published in the FEDERAL REGISTER on August 8, 1968 (33 FR 12314), it was reissued July 5, 1978. It will be republished in the FEDERAL REGISTER in December 1978.

32 CFR 179. Use of Contractor and Government Resources for Maintenance of material. Published in the FEDERAL REGISTER on August 31, 1971 (36 FR 17417), a revision is now in preparation and must be formally coordinated within DoD components. Estimated publication date: November 1979.

32 CFR 195. Configuration Management. Published in the FEDERAL REGISTER on September 14, 1968 (33 FR 13017), it is now being reviewed for reissuance. Estimated publication date: June 1979.

32 CFR 217. Use of Off-Road Vehicles on DoD Lands. A proposed rule appeared in the FEDERAL REGISTER on March 7, 1973 (38 FR 6186) and the final rule including an amendment was published on April 7, 1978 (43 FR 14650). Another amendment will be published in January 1979.

32 CFR 239. Administration and Operation of the Homeowners Assistance Program. Published in the FEDERAL REGISTER on February 3, 1968 (33 FR 2565); a new Appendix appeared in the FEDERAL REGISTER on November 7, 1969 (34 FR 18031). The entire document is again under revision. Estimated publication date: June 1979.

32 CFR 252. DoD Offshore Military Activities Program. Published in the FEDERAL REGISTER on December 4, 1963 (28 FR 12868) and a revision on November 28, 1968 (33 FR 17784). Another revision is now being formally

coordinated and will be published in the FEDERAL REGISTER mid-1979.

32 CFR 293. Control and Protection of "For Official Use Only" Information. Published in the FEDERAL REGISTER on March 16, 1968 (33 FR 4618); it is being revised and will be republished. Estimated FEDERAL REGISTER published date: December 1979.

DEPARTMENT OF THE ARMY

Currently there is only one new regulation appropriate for inclusion in the semiannual agenda of significant regulations. This regulation would fall outside the criteria if strictly interpreted, however, we feel that it may be of sufficient interest to the public to fall within the intent of E.O. 12044. The proposed regulation concerns an "Advanced Concepts Committee" which, if and when established, will review, evaluate, and comment on unsolicited proposals received by the Department of the Army from individuals, academic institutions, and industry pertaining to concepts for use of advanced technology or new uses of existing technology. (Additional information may be obtained from Dr. Charles H. Church, ODCSARDA, telephone 695-3718).

In addition, the Army has established an Editorial Control Division in the Adjutant General Center in January 1978 to reduce the comprehension level of Army administrative publications and reduce the number of pages in all publications by at least 10 percent. This program is also being conducted in other areas of Army regulations and publications. Reductions to date have been significant with more planned. Questions or comments in this area may be addressed to J. B. Hudson, Office of the Administrative Assistant, OASA, or call OX 7-6900.

The following regulations contained in Chapter V, Title 32, are under review. All 32 and 33 CFRs are being revised to reflect new policies, to include changes in procedures and new requirements and also increase their readability in accordance with E.O. 12044. They do not require regulatory analysis. For further information, contact, Ms. Marian G. Spittle, telephone 202-693-0631.

32 CFR 513. Indebtedness of Military Personnel. Revision cannot be completed until revised DoD Directive 1344.9 is received.

32 CFR 542. Schools and Colleges. Revision complete—Revised draft in Office of the General Counsel for the Department of Defense (OGC) awaiting review.

32 CFR 552. Acquisition of Real Property and Interests Therein. Revision is ready for submission to OGC for review.

32 CFR 552. Military Reservations and National Cemeteries. Revision complete—Revised draft in OGC awaiting review.

32 CFR 562. Reserve Officers Training Corps. Revision complete—Revised draft in OGC for review.

32 CFR 564. Medical Care for Army National Guard Members. Revision is ready for submission to OGC for review.

32 CFR 564. Deceased Personnel Care and Disposition of Remains. Revision complete—Revised draft in OGC awaiting review.

32 CFR 571. Recruiting and Enlistments. Revision is ready for submission to OGC for review.

32 CFR 574. United States Soldiers' and Airman's Home. Revision Complete—Revised draft in OGC awaiting review.

32 CFR 575. Admission to the United States Military Academy. Revision complete—Revised draft in OGC awaiting review.

For information concerning the following regulations contact: Mr. Curtis L. Clark, telephone 202-693-5070.

33 CFR 320. General Regulatory Policies. Regulation will be changed to incorporate expanded applicability of nationwide permits and more expeditious handling of permit processing by the elimination of duplication of effort among concerned Federal agencies. We are currently negotiating Memoranda of Agreement/Memoranda of Understanding (MOA/MOU) with Federal agencies to accomplish the latter. Estimate of time for revision is 6-8 months.

33 CFR 321. Permits for Dams and Dikes in Navigable Waters of the United States. Regulation was reviewed and deemed adequate as written; however, pending legislation regarding Sec. 10 of the Rivers and Harbors Act of 1899 may refine changes to this regulation and 33 CFR 322.

33 CFR 322. Permits for Structures of Work in or Affecting Navigable Waters of the United States. Same as 33 CFR 320.

33 CFR 323. Permits for Discharges of Dredged or Fill Material into Waters of the United States. Same as 33 CFR 320.

33 CFR 324. Permits for Ocean Dumping of Dredged Material. Regulation will be revised to reduce the tenure of permits to a period of three years. Should be revised in six months.

33 CFR 325. Processing of Department of the Army Permits. Same as 33 CFR 320 plus the incorporation of provisions of the Preservation of Historical and Archaeological Data Act.

33 CFR 326. Enforcement. Regulation may require revision as a result of MOA/MOU negotiations mentioned with 33 CFR 320, above. Revision is estimated at eight months.

33 CFR 327. Public Hearings. Regulation has been reviewed. Revision is needed to clarify timing of public hearings based on MOA/MOU negotiations mentioned in 33 CFR 320.

33 CFR 328. Harbor Lines. Has been reviewed and no changes are required.

33 CFR 329. Definition of Navigable Waters of the United States. Has been reviewed and no changes are required.

36 CFR 327 (EC 1130-2-159). Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers. Regulation has been reviewed and revised to clarify and simplify the regulations for use by the general public regarding public use and to clarify enforcement procedures.

36 CFR 327 (ER 1130-2-411). Regulation of Seaplane Operations at Civil Works Water Resource Development Projects. Reviewed; determined no changes required.

DEPARTMENT OF THE NAVY

Currently there are no new regulations being processed within the Navy Department appropriate for inclusion in the semiannual agenda. The following regulations are under review and revision under E.O. 12044 and their status is submitted for public comment. None reported fall under the regulatory analysis requirements. For further information contact: Ms. Alcinda Wenberg, 202-695-1921. The following regulations under title 32, CFR, Chapter VI are reported as follows:

32 CFR 705. Public Affairs Regulations. Reviewed for update of inclusion of procedural and organizational changes. Expected completion date of revision is 31 December 1978.

32 CFR 715. Support of Dependents and Paternity Complaints. Recommended for deletion from the Code of Federal Regulations at this time; duplicated by other service regulations; final determination on inclusion versus exclusion pending review by Navy General Counsel.

32 CFR 716. Death Gratuity. Reviewed for ease of understanding and clarity. No significant changes recommended. Draft revision under review within Navy General Counsel office.

32 CFR 718. Missing Persons Act. Reviewed for ease of understanding and clarity and updating. Draft revision under review by Navy General Counsel.

32 CFR 725. Disposition of Cases Involving Physical Disability. Under revision due to change in basic requirements.

32 CFR 729. Navy and Marine Corps Military Personnel Security Program. Recommended for deletion. Covered by other DoD regulations.

32 CFR 730. Administrative Discharges and Related Matters Concerning Separations from the Naval Service. In revision process for reduction in verbiage and ease of understanding.

32 CFR 744. Policies and Procedures for the Protection of proprietary Rights in Technical Information "Proposed For Release to Foreign Governments. Being reivsed to comply with basic policy and procedural changes at the Secretary of Defense level.

32 CFR 751. Personnel Claims Regulations. Revision and update completed. Appeared in FEDERAL REGISTER 13 June 1978.

DEPARTMENT OF THE AIR FORCE

Currently there are several new regulations being processed within the department which have not yet completed their initial coordination stage. Publication of these regulations will occur for review and public comment upon completion of this initial drafting process. This report contains the update or previous regulations published under E.O. 12044. While awaiting public comment on the initial publication, the department has completed a partial review of the regulations with emphasis toward brevity and clarity, with the results as indicated. For further information and comments contact Ms. Carol M. Rose, telephone 202-697-1861.

The following regulations under title 32, CFR, Chapter VII, are reported as follows:

32 CFR 806. Air Force Freedom of Information Act Program. This regulation was rewritten and approved by the Air Force writing service. It was reduced by 21 percent.

32 CFR 806b. Air Force Privacy Act Program. This regulation was revised and approved by the Air Force writing service. It was reduced by 35 percent.

32 CFR 813. Schedule of Fees for Copying, Certifying and Searching Records and Other Documentary Material. This regulation was rewritten and approved by the Air Force writing service. It was reduced by 70 percent.

32 CFR 818a. Personnel Commercial Affairs. This regulation was revised and approved by the Air Force writing service as complying with the plain English program. It was reduced by approximately 20 percent.

32 CFR 825a. Gifts to the Department of the Air Force. This regulation was rewritten and approved by the Air Force writing service as complying with our plain English program. It has been reduced by approximately 35 percent.

32 CFR 835. Support of Non-Governmental Test and Evaluation. This regulation was revised and approved by the Air Force writing service. It was reduced by approximately 20 percent.

32 CFR 837. Support of Non-Government Organizations. This regulation was rewritten and simplified on 20 December 1977. It was reviewed and approved by the Air Force writing service as complying with the plain English program and was reduced by 28 percent.

32 CFR 920. Standards of Conduct. This regulation was rewritten and approved by the Air Force writing service. It was reduced by 34.5 percent.

By Authority of the Secretary of Defense.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

NOVEMBER 24, 1978.

[FR Doc. 78-33400 Filed 11-29-78; 8:45 am]

[3810-70-M]

IMPROVING GOVERNMENT REGULATIONS

DOD Implementation

AGENCY: Department of Defense.

ACTION: Notice of implementation of Executive Order No. 12044.

SUMMARY: This draft report is published to implement the President's Executive Order 12044, "Improving Government Regulations."

DATE: The public is invited to provide comments on this plan prior to March 1, 1979.

ADDRESS: Department of Defense, Office of the Deputy Assistant Secretary of Defense (Administration), Pentagon, Room 3E843, Washington, D.C. 20301.

GENERAL INFORMATION CONTACT: For general information relating to overall program contact Colonel Peter H. Karalus, 202-695-4281.

SPECIFIC INFORMATION CONTACT: For information on specific regulations contact the appropriate agency or individual listed.

SUPPLEMENTARY INFORMATION: The Department of Defense has reviewed Executive Order 12044, "Improving Government Regulations," March 24, 1978, to determine the extent of its application to the DoD and the actions required to comply with its provisions. Section 6(b)(2), which excludes "regulations issued with respect to a military or foreign affairs function of the United States," would appear to exempt most of the DoD from the Order's coverage. Notwithstanding this exclusion, a comprehensive review of DoD Directives, and other issuances which outline basic Defense policies, was initiated to determine if any had a major impact on, or required significant action by the public. Following this review, it was determined that the primary purpose of most DoD issuances is to disseminate internal policy or management guidance.

However, some of them regulate, or impact on, public activities. Consistent with the President's desire that Federal regulations be made simpler and less burdensome on the public, and that the public be allowed to participate in their development, the DoD in its review will include all issuances which have a significant effect on the public.

PREFACE

By law, the Secretaries of the military departments have responsibility for the preparation and control for their respective departments under sections 3012(G), 5031 and 8012(F) of title 10, U.S. Code. The Secretary of Defense is responsible for the preparation and control of regulations which are applicable to all DoD components. Accordingly, these officials are responsible for implementing the provisions of Executive Order 12044 as required by this plan. Coordination and oversight of the plan for all DoD components, as required under the provisions of Executive Order 12044, will be accomplished in the Office of the Deputy Assistant Secretary of Defense (Administration).

REPORT

As required by the Executive Order, the following four areas are addressed.

1. *Process for development of regulations.*—Each regulation is drafted by the DoD components having the responsibility for the program which is being addressed. It is then staffed within the DoD, and also with other departments or agencies that may be affected by the regulation, for compliance with policy and procedural requirements. Throughout this drafting and coordination process, the heads of DoD components involved are kept appraised of its progress and made aware of any substantive changes to the basic plan. Final review of the regulation is conducted by the head of the component tasked with the responsibility and authority to approve or disapprove the regulation. Major policy decisions and resolution of differences during the drafting or review process are made by that official.

To comply with the provisions under Executive Order 12044, this drafting process will now include in its early stages, and again prior to final approval, an opportunity for the public or other interested agencies to make comments and provide an input to the plan before final publication. The FEDERAL REGISTER will be the primary means to inform the public of what regulations are currently being reviewed or processed. In addition, so as not to limit the degree or scope of public awareness, every effort will be made to publicize significant regulations in local newspapers, conduct

meetings with interested individuals and groups, or any other means deemed appropriate. The public is encouraged to contact directly the individual responsible for the regulation to facilitate timely response. In most instances, at least 60 days will be given the public to provide comments, however, appropriate notification will be made if the period for public comment must be shortened. After comments have been received and analyzed, they will be considered in revising the regulation, as appropriate. In addition, prior to publishing the final version, meetings will be held with interested groups or individuals to insure maximum participation by appropriate parties. Following publication, several means will be used to insure maximum understanding. These include press releases, public information meetings, and individual contacts.

The Deputy Assistant Secretary of Defense (Administration) has been assigned responsibility for coordinating the DoD plan for compliance with Executive Order 12044. In this capacity, the DADS (Administration) will keep the Secretary of Defense informed of the status of significant regulations within the Defense Department and the degree of compliance by all concerned with the provisions of Executive Order 12044. Where questions arise throughout this process concerning significant regulations which cannot be resolved within the DoD component concerned, final authority will rest with the Secretary of Defense. In addition to his/her overall responsibilities, the DASD (Administration) will prepare the consolidated semiannual agenda of significant regulations under the development or review, and presented to the Secretary of Defense for review and approval. The approved agenda will be published by the DASD (Administration) along with the schedule showing the times during the coming fiscal year when the semiannual agenda will be published.

The following heads of the DoD components are responsible for reviewing and approving significant regulations and for accomplishing regulatory analyses as appropriate: The Secretary of Defense, Secretaries of the Military Departments, and Directors of the Defense Agencies. Their actions will be governed by the following minimum criteria for approving significant regulations:

The proposed regulation is needed;

The direct and indirect effects of the regulation have been adequately considered;

Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

Public comments have been considered and an adequate response has been prepared;

The regulation is written in plain English and is understandable to those who must comply with it;

An estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation;

The name, address and telephone number of a knowledgeable agency official is included in the publication; and

A plan for evaluating the regulation after its issuance has been developed.

The criteria for determining what regulations are considered significant and which require regulatory analysis are outlined in sections 2 and 3 of this plan. Although approval authority for significant regulations rests with the heads of the DoD components indicated, the Secretary of Defense will be kept informed of the status of all significant regulations through the DoD components' submissions of their semiannual reports which ultimately comprise the DoD semiannual reports which will appear in the FEDERAL REGISTER. Periodic reviews and meetings will be conducted under the cognizance of the DASD (Administration) with personnel within the cognizant DoD components in order to insure uniformity of compliance with the Executive Order and this plan.

2. CRITERIA FOR DETERMINING SIGNIFICANT REGULATIONS

Significant agency regulations will be those which meet any of the following tests:

a. Regulations which substantially and directly impact on the public, State or local governments, or other federal agencies.

b. Regulations which require, or would require, regulatory analysis.

c. Regulations which would require submissions by the public in order to obtain information, services, or funds or other resources.

d. Regulations which would govern recurring interaction between the public and DoD (such as the conduct of business on military installations).

3. CRITERIA FOR IDENTIFYING REGULATIONS REQUIRING REGULATORY ANALYSIS

Regulatory analysis will be conducted on those regulations which meet any of the following tests:

a. Regulations which would have an annual effect on the economy of $100 million or more.

b. Regulations which would have a major increase in costs for individual industries, levels of government or geographic regions.

c. Regulations which would have a major financial, environmental, or social impact on those segments of the affected public.

Heads of DoD shall establish procedures for developing regulatory analysis and provide an opportunity for public comment. Each analysis shall contain a statement of the problem, reasons why it was selected for analysis, a description of the major alternative ways considered in problem solution, an analysis of the economic consequences of each alternative and rationale for choosing the selected alternative. When giving public notice on a proposed regulation, an explanation of the regulatory approach selected as favored and a brief description of other alternatives will be included. Information will also be provided to indicate how the public may obtain a copy of the draft regulatory analyis. Additionally, a final analysis will be prepared and made available to the public when the final regulations are published.

4. CRITERIA FOR SELECTION OF EXISTING REGULATIONS TO BE REVIEWED AND LIST OF REGULATIONS FOR INITIAL REVIEW

Any regulation which qualifies as significant under the criteria of section 2 will be reviewed. Those regulations currently being reviewed are:

Office of the Secretary of Defense

32 CFR 43a—Indebtedness of Military Personnel.
32 CFR 67—Allocation of Reserve Forces Units to local Communities.
32 CFR 75—Conscientious Objectors.
32 CFR 157—Certification for Access to Scientific and Technical Information.
32 CFR 159—Information Security Program.
32 CFR 168—Engineering and Technical Service—Management and Control.
32 CFR 169—Commercial or Industrial Activities.
32 CFR 169a—Commercial or Industrial Activities—Operation of.
32 CFR 177—Emergency Requirements, Allocations, Priorities, and Permits for DoD use of Domestic Civil Transportation.
32 CFR 179—Use of Contractor and Government Resources for Maintenance of Material.
32 CFR 195—Configruation Management.
32 CFR 217—Use of Off-road Vehicles on DoD Lands.
32 CFR 239—Administration and Operation of the Homeowners Assistance Program.
32 CFR 252—DoD Offshore Military Activities Program.
32 CFR 293—Control and Protection of "For Official Use Only" Information.

Department of the Army

32 CFR 513—Indebtedness of Military Personnel.
32 CFR 542—Schools and Colleges.
32 CFR 552—Acquisition of Real Property and Interests Therein.
32 CFR 552—Military Reservations and National Cemeteries.
32 CFR 562—Reserve Officers' Training Corps.
32 CFR 564—Medical Care for Army National Guard Members.
32 CFR 564—Deceased Personnel Care and Disposition of Remains.
32 CFR 571—Recruiting and Enlistments.
32 CFR 574—United States Soldiers' and Airmen's Home.
32 CFR 575 Admission to the United States Military Academy.
33 CFR 320—General Regulatory Policies.
33 CFR 321—Permits for Dams and Dikes in Navigable Waters of the United States.
33 CFR 322—Permits for Structures or Work in or Affecting Navigable Waters of the United States.
33 CFR 323—Permits for Discharges fof Dredged or Fill Material into Waters of the United States.
33 CFR 324—Permits for Ocean Dumping of Dredged Material.
33 CFR 325—Processing of Department of Army Permits.
33 CFR 326—Enforcement.
33 CFR 327—Public Hearings.
33 CFR 328—Harbor Lines.
33 CFR 329—Definition of Navigable Waters of the United States.
36 CFR 327 (EC 1130-2-159)—Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers.
36 CFR 327 (ER 1130-2-411)—Regulation of Seaplane Operations at Civil Works Water Resource Development Projects.

Department of the Navy

32 CFR 705—Public Affairs Regulations.
32 CFR 715—Support of Dependents and Paternity Complaints.
32 CFR 716—Death Gratuity.
32 CFR 718—Missing Persons Act.
32 CFR 725—Disposition of Cases Involving Physical Disability.
32 CFR 730—Administrative Discharges and Related matters Concerning Separations from the Naval Service.
32 CFR 744—Policies and Procedures for the Protection or Proprietary Rights in Technical Information Proposed for Release to Foreign Governments.
32 CFR 751—Navy Personnel Claims.

Department of the Air Force

32 CFR 806—Air Force Freedom of Information Act Program.
32 CFR 806b—Air Force Privacy Act Program.
32 CFR 813—Schedule of Fees for Copying, Certifying and Searching Records and Other Documentary Material.
32 CFR 818a—Personal Commerical Affairs.
32 CFR 825a—Gifts to the Department of the Air Force.
32 CFR 835—Support of Non-Governmental Test and Evaluation.
32 CFR 837—Support of Non-Government Groups
32 CFR 888—Enlistment in the United States Air Force
32 CFR 920—Standards of Conduct.

In addition to the regulations covered under the Order, the DoD is currently in the process of revising its procurement regulations, even though they are excluded from coverage. The Department believes that this is a particularly important effort when placed within the context of the President's overall objectives in both the regulatory process and control of inflationary regulations.

Subsequent review of regulations identified as "significant" will be conducted, with full public notification, in accordance with the provisions of Executive Order 12044.

By Authority of the Secretary of Defense.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

NOVEMBER 24, 1978.

[FR Doc. 78-33401 Filed 11-29-78; 8:45 am]

[6740-02-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP72-15]

CITIES SERVICE GAS CO.

Petition To Amend

NOVEMBER 21, 1978.

Take notice that on November 7, 1978, Cities Service Gas Company (Petitioner), P.O. Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP72-15 a petition to amend the order of November 1, 1971 (46 FPC 110),[1] as amended, issued in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the use of an additional delivery point for the exchange of natural gas between Arkansas Louisiana Gas Company (Arkla) and Petitioner, and an extension in the term of an existing exchange agreement, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the FPC order of November 1, 1971 in the instant docket, Petitioner was authorized to exchange up to 10,000 Mcf of natural gas per day with Arkla pursuant to the terms of an exchange agreement dated June 11, 1971, until such time as Arkla constructed the necessary facilities to connect gas production in Hemphill County, Tex., to its pipeline system or for a period of 2 years, which ever was the lesser. It is further indicated that by subsequent amendments, additional delivery points were added to the original exchange agreement and the term of the agreement was extended to March 31, 1978.

Petitioner states that presently this exchange is out of balance and that it owes approximately 6,200,000 Mcf of gas. This condition is a result of Arkla's inability to take the necessary volumes of gas into its system at the currently certificated delivery points, it is said.

Petitioner indicates that in order to alleviate this situation and to facilitate the balancing of their respective exchange accounts, it and Arkla have entered into a further amendment to the existing exchange agreement, dated August 29, 1978, whereby an existing point of interconnection between Petitioner and Arkla at Jane, Mo., is added as an additional delivery point from Petitioner to Arkla and the term of the agreement is extended to March 31, 1983, and from year to year thereafter unless terminated by either party.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to inter-

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1978 (10 CFR 1000.1), it was transferred to the FERC.

vene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33540 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Docket No. RP78-52]

CONSOLIDATED GAS SUPPLY CORP.

Motion To Track the Decrease in the Statutory Federal Income Tax Rate

NOVEMBER 20, 1978.

Take notice that on November 13, 1978 the Public Service Commission of the State of New York (New York) filed a motion in the subject docket requesting various forms of relief relating to the reduction in the Federal income tax rate which is to occur on January 1, 1979. That reduction, from 48 percent 46 percent, has been directed by Congress in Pub. L. 95-600. New York moves the Commission to take the following action:

(1) Summary disposition of the Federal income taxes to be included in Consolidated Gas Supply Corporation's (Consolidated) cost-of-service for purposes of determining rates in the captioned proceeding;

(2) Similar action in *all* pending pipeline rate cases; and

(3) The institution of show cause proceedings pursuant to section 5 of the Natural Gas Act against all pipelines which do not have pending rate change applications or effective settlement agreements that require rate adjustments for changes in the statutory tax rate.

New York argues that, in every case in which a pipeline such as Consolidated uses a 48 percent tax rate in the cost of service calculation for rates which will be effective after January 1, 1979, the Commission should summarily require the pipeline to reduce the rate used to calculate its tax expense. New York asserts that summary dispostion is proper because the issue is one of law and policy which requires no ventilation or factual development through a hearing.

Copies of New York's motion are on file at the Commission's Office of Public Information.

Any person desiring to comment upon New York's motion, as it relates to Consolidated, should file a petition to intervene, protest, or answer with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8, 1.10, and 1.12 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10, and 1.12). Any peson desiring to comment upon New York's motion, as it relates to any other pipeline company subject to the Commission's jurisdiction, should file a protest or answer pursuant to sections 1.10 or 1.12 of the Commission's regulations, in this docket, at the above-mentioned location; in such cases, intervention in the RP78-52 proceeding is unnecessary. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to any proceeding. All filings are due on or before December 8, 1978.

KENNETH F. PLUMB,
Secreatary.

[FR Doc. 78-33541 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Project No. 785]

CONSUMERS POWER CO.

Application for License (Major)

NOVEMBER 21, 1978.

Take notice that on April 8, 1977, an application was filed by the Consumers Power Company (correspondence to: Mr. Paul A. Perry, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201) for a major license for the Calkins Bridge Project No. 785. The project is currently operating under an existing license which will expire on April 10, 1980. The project is located on the Kalamazoo River in Allegan County, Michigan.

The Calkins Bridge Project No. 785 consists of: (1) a 1,330-foot long and 42-foot high dam comprising 1,100 feet of earth embankment and a 230-foot long concrete powerhouse, fishway, spillway section, having six steel tainter gates; (2) a 1,550 acre reservoir at normal pool elevation of 615.0 msl; (3) a powerhouse containing three hydroelectric generating units with a total installed capacity of 2,550 kW; and (4) all other facilities and interests appurtenant to the operation of the project.

The Applicant currently estimates fair value at the end of the license ferm to be approximately equal to the net investment of $303,982 and states that it is unable to determine, in the absence of a detailed Federal takeover plan, an estimate of severance damages. However, the Applicant states that the current annual replacement cost for power generated at the project would be approximately $405,000.

According to the application, primary recreational use of project lands and waters is confined to viewing the reservoir, boating and canoeing, and limited fishing due to poor water quality. The project is not suited for intensive land-based recreational use due to limited amounts of land within the project boundary. In addition, there are various recreational areas located near or adjacent to the project.

Access to the project waters is provided by three boat ramps. No future recreational development is proposed.

The Applicant utilizes the power output of the Calkins Bridge Project No. 785 as part of its generating system supplying electric utility service in Michigan.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before January 22, 1979. The Commission's address is: 825 N. Capitol Street NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33553 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Docket No. ER78-415]

DUKE POWER CO.

Reference of Settlement Agreement

NOVEMBER 20, 1978.

Take notice that on October 19, 1978 Presiding Administrative Law Judge William L. Ellis referred to the Commission for approval, disapproval or other appropriate action, a settlement agreement entered into by the various parties in the rate case in the above-noted docket, which was set for hearing by the Commission's order of June 30, 1978.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before December 1, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33542 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Docket No. RP78-12]

EAST TENNESSEE NATURAL GAS CO.

Certification of Settlement Agreement

NOVEMBER 20, 1978.

Take notice that on November 7, 1978, the Presiding Administrative Law Judge certified to the Commission a settlement agreement resolving certain issues in the above-referenced docket. The judge noted that "East Tennessee and the Staff have agree to file comments with respect to one dispute remaining among the parties" and that establishment of dates for initial and reply comments was requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). Comments will be entertained only on the merits of the settlement agreement and not on reserved issues. Initial comments will be filed with the Commission on or before December 8, 1978, and reply comments will be filed on or before December 29, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33543 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Docket Nos. RP74-50-1, et al.]

FLORIDA GAS TRANSMISSION CO. (BASIC MAGNESIA, INC., ET AL.)

Extension of Time

NOVEMBER 17, 1978.

On November 13, 1978, Commission Staff Counsel file a motion for an extension of time for the filing of briefs opposing exceptions to the initial decision issued in this proceeding on September 27, 1978. The motion states that Staff Counsel has been assigned to work on Commission regulations implementing the Natural Gas Policy Act of 1978 and therefore will not be able to meet the current filing deadline. The motion also states that none of the participating parties objects to the request with the exception of Florida Cities, whose counsel was out of town and could not be reached. Gardinier, Inc. filed a letter supporting Staff's motion on November 14, 1978, requesting that the extension be granted for all parties.

Upon consideration, notice is hereby given that an extension of time is granted to and including December 18, 1978, for all parties to file briefs opposing exceptions to the initial decision in this proceeding.

On October 30, 1978, Florida Cities filed a motion for leave to file their brief on exceptions out of time. The motion states that Florida Cities' courier did not arrive at the Commission's offices until a few minutes after 5:00 p.m. on October 27, 1978, the final day for filing briefs, and that "the Secretary's office refused to accept it." Under Section 0.4 of the Commission's Rules of Practice and Procedure filings received after 5:00 p.m. are deemed filed on the next regular business day. Florida Cities states that service of their brief was made on October 27, 1978 and no party was therefore, prejudiced by the late filing. Florida Cities' motion is granted.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33544 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Docket No. ES79-10]

IOWA SOUTHERN UTILITIES CO.

Application

NOVEMBER 20, 1978.

Take notice that on November 8, 1978, Iowa Southern Utilities Company (Applicant) filed an application for an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of $15,000,000 principal amount of First Mortgage Bonds. Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa, and is engaged in the electric utility business in 24 counties in Iowa.

The Bonds will be dated January 1, 1979, and mature January 1, 2009, and will bear interest at a rate to be determined by competitive bidding pursuant to the Commission's Regulations. It is anticipated bids will be opened January 9, 1979. The proceeds from the issuance of the Bonds will be used to repay bank loans and short-term notes issued in the form of commercial paper and to finance in part the Applicant's construction program for 1979, the principal part of which is for the Applicant's 33% ownership share in a 675,000 kilowatt turbine generator at the Ottumwa Generating Station near Ottumwa, Iowa.

Any person desiring to be heard or to make any protest with reference to the application should on or before November 30, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33545 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Intervention Project No. 2800]

LAWRENCE HYDROELECTRIC ASSOCIATES

Notice Granting Interventions

NOVEMBER 21, 1978.

On June 30, 1977, Lawrence Hydroelectric Associates ("applicant" or "LHA") filed an application for major license to install and operate hydroelectric generating facilities at the Essex Co. Dam on the Merrimack River within the city of Lawrence, Mass. The proposed project has been designated FERC project No. 2800.

Public notice of the application was given with March 27, 1978, as the last day for filing protests or petitions to intervene. The following organizations and governmental bodies filed petitions to intervene:

Andover Village Improvement Society and Merrimac Paper Co., Inc. and Aquamac Corp. on March 24, 1978; Massachusetts Municipal Wholesale Electric Co. and Merrimack Valley Building Trades Council on March 27, 1978; New England Power Co., town of Andover, and town of Metheun on March 28, 1978; and Lawrence P. LeFebre, mayor, on behalf of the city of Lawrence on March 29, 1978 and amended April 7, 1978.

Applicant responded on April 10, 1978, to the petitions filed by Merrimac Paper Co. and Aquamac Corp. (jointly referred to as "Merrimac Paper") and Massachusetts Municipal Wholesale Electric Co. (MMWEC). On April 24, 1978, the town of Metheun filed a response to certain matters raised in the petition filed by Merrimac Paper.

The Andover Village Improvement Society (AVIS) states that it is a privately supported, nonprofit, charitable society which acquires land in Andover, Mass. for conservation and recreational use by the public without charge. AVIS, being the owner and lessee of lands adjacent to the proposed project, is concerned with the possible impacts the proposed hydroelectric facilities may have upon the public's use and enjoyment of those lands. AVIS seeks to intervene to

insure that adequate provisions are included in the license to assure that its lands will not be adversely affected by the proposed project.

Merrimac Paper Co., Inc. and Aquamac Corp. state in their joint petition that they are among the small businesses that are located on the north and south canals which run downstream from the Essex Co. Dam; that they are the owners of certain water rights associated with the Merrimack River; and that the construction and operation of a hydroelectric facility could jeopardize their rights and affect the operation of their businesses. Applicant responded to the joint petition on April 10, 1978.

On October 27, 1978, Merrimac Paper Co. and Aquamac Corp. filed notice of withdrawal of their petition to intervene. As reasons for withdrawal, the petitioners state that the claims and concerns raised in the petition to intervene have been satisfied by the execution of an agreement among the petitioners and applicant.

Massachusetts Municipal Wholesale Electric Co. (MMWEC) states that it is a public corporation and political subdivision of the State of Massachusetts; that it was established as a planning agency for the development of bulk power requirements; and that it is authorized to finance, own and operate power facilities as well as to sell, transmit, and deliver electric power to its member municipalities. MMWEC further states that it has been in negotiation with applicant with respect to acquisition and use of the output of the proposed project. MMWEC alleges that it has an interest in the licensing proceedings for project No. 2800 and that interest is not adequately represented by the existing parties.

The Merrimack Valley Building Trades Council (council) states that it represents 9,000 men in the Merrimack Valley. The council added that it supports the project because it will help the economy of Merrimack Valley by lowering the cost of electricity, beautifying Merrimack River, and aiding the growth of industry. The Merrimack Valley Building Trades Council then requested the Commission to (1) permit the council to intervene and (2) promptly issue a license to the applicant.

The New England Power Co. (NEPCO) is a Massachussets corporation whose principal business is generating, purchasing, transmitting, and selling electric energy at wholesale quantities. NEPCO had been negotiating with applicant respecting the purchase of electricity on a cost of service basis. NEPCO alleges that the terms and conditions of any license obtained by applicant may have an effect on the availability, reliability and cost of power proposed to be sold to NEPCO. On October 27, 1978, applicant filed with the Commission copies of a power contract dated October 25, 1978, between Lawrence Hydroelectric Associates and New England Power Co.

The town of Andover, a municipal corporation in Essex County, Mass., is located south of the city of Lawrence, on the south bank of the Merrimack River. The town of Andover draws water from the Merrimack River for numicipal water supply purposes. The town states that it seeks intervention to insure that adequate safeguards are contained in any license issued to prevent the degradation of the town's water supply and to prevent the flooding of town property.

The town of Metheun, a municipal corporation in Essex County, Mass., is located on the north bank of the Merrimack River. In its petition the town states as the grounds for intervention that it owns land on the bank of the Merrimack River and draws from the river for its municipal water supply.

The final petition to intervene in the proceedings upon FERC project No. 2800 was filed by Mayor Lawrence P. LeFebre on behalf of the city of Lawrence, Mass.The mayor states that the city of Lawrence has a substantial interest in the continued maintenance and sound management of the impounded water behind the Essex Company Dam, that impoundment being the source of the city's water supply. The mayor then requested the Commission to permit the city to intervene and to promptly issue a license to applicant.

Participation by the Andover Village Improvement Society, the Merrimack Valley Building trades Council, and the Massachusetts Municipal Wholesale Electric Co. may be in the public interest. Their timely petitions to intervene should be granted. Merrimac Paper Co. and Aquamac Corp. also filed a timely joint petition to intervene; however, joint petitioners have informed the Commission that the issues raised in their petition have been addressed. Therefore, Merrimac Paper Co. and Aquamac Corp. will be permitted to withdraw their joint petition. The petitions of New England Power Co., town of Andover, town of Metheun, and Mayor LeFebre on behalf of the city of Lawrence were filed either one or two days after the deadline for such filings; however, their participation in these proceedings may be in the public interest.

Pursuant to § 3.5(a) of the Commission's rules of practice and procedure (18 CFR 3.5(a)), Andover Village Improvement Society, Massachusetts Municipal Wholesale Electric Co., Merrimack Valley Building Trades Council, New England Power Co., town of Andover, Mass., town of Metheun, Mass., and Mayor Lawrence P. LeFebre on behalf of the city of Lawrence, Mass. are permitted to intervene in this proceeding subject to the Commission's rules. Participation of the intervenors shall be limited to matters affecting their respective petitions to intervene as set forth in this order. Admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order entered in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33554 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-63]

LONE STAR GAS CO., A DIVISION OF ENSERCH CORP.

Application

NOVEMBER 21, 1978.

Take notice that on November 7, 1978, Lone Star Gas Company, a Division of Enserch Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP79-63 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Commission's Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1979, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers or other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed gas purchase facilities would not exceed $3,000,000, with the cost of no single project to exceed $750,000, which costs Applicant would finance from working capital.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commis-

sion's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33546 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-64]

LONE STAR GAS CO., A DIVISION OF ENSERCH CORP.

Application

NOVEMBER 21, 1978.

Take notice that on November 7, 1978, Lone Star Gas Company, a Division of Enserch Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP79-64 an application pursuant to Section 7(b) of the Natural Gas Act and Section 157.7(e) of the Regulations thereunder (18 CFR 157.7(e)) for permission and approval to abandon during the calendar year 1979, direct sales service and facilities no longer required for deliveries of natural gas to Applicant's customers, all as more fully set forth in the Application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in abandoning service and removing direct sale measuring, regulating and related facilities. Applicant states that it would abandon service and facilities only when deliveries to any one direct sale customer would not exceed 100,000 Mcf of natural gas during the last year of service.

The application states that Applicant would not abandon any service unless it would have received a written request or written permission from the customer to terminate service. In the event such request or permission could not be obtained, a statement that the customer has no further need for service would be filed with the Commission, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33547 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-68]

MOUNTAIN FUEL SUPPLY CO.

Application

NOVEMBER 21, 1978.

Take notice that on November 9, 1978, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. 79-68 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange and sale of natural gas produced from the Wamsutter No. 1-36 (No. 1-36) well located in Sweetwater County, Wyoming, with and to Colorado Interstate Gas Company (CIG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant has a 50 percent working interest in the No. 1-36 well, and that this well is distant from Applicant's existing transmission system.

In order to make the natural gas produced from the No. 1-36 well available to Applicant's system, Applicant requests authorization of an exchange of up to 6,000 Mcf per day of natural gas with CIG, and the sale, at the highest allowable Commission price, including adjustments permitted or required, of up to 25 percent of the volumes of gas so delivered by Applicant to CIG, pursuant to a June 20, 1978, gas purchase and exchange agreement between Applicant and CIG.

It is stated that, pursuant to this agreement, CIG would gather at the wellhead Applicant's portion of the natural gas produced from the No. 1-36 well, at a cost to Applicant of 4.0 cents per Mcf, and that CIG would concurrently deliver thermally equivalent natural gas volumes to Applicant at an existing point of interconnection near Green River, Wyoming, minus that portion of Applicant's natural gas that CIG purchases. The agreement further provides, it is stated, that delivery of natural gas by CIG to Applicant may be accomplished by decreasing the volumes that Applicant would otherwise by required to deliver to CIG under other gas purchase and exchange agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with

the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33548 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Project No. 2861]

ROBERT W. SHAW

Application for Preliminary Permit

NOVEMBER 21, 1978.

Take notice that on July 24, 1978, an application was filed by Mr. Robert W. Shaw (correspondence to: Mr. Robert W. Shaw, 4 Parsons Street, Colebrook, New Hampshire 03576) for a preliminary permit for the Pontook Hydroelectric Project No. 2861, to be located on the Androscoggin River in the Town of Dummer, Coos County, New Hampshire.

The Applicant seeks a 36-month preliminary permit for the purpose of studying the feasibility of constructing a project which would utilize an existing dam and reservoir on the Androscoggin River.

The proposed project would consist of: (1) an existing 15-foot-high, 360-foot-long concrete gravity dam; (2) an existing reservoir with a storage capacity of 1,200 acre-feet at normal high water elevation of 1,163 feet (msl); (3) a new headgate structure leading into a new 5,000-foot-long canal; (4) a new 695-foot-long, 6-foot-diameter penstock; and (5) a new powerhouse with three generating units with a total installed capacity of 1,500 kW and an estimated average annual generation of 12,000,000 kWh.

The Applicant proposes that the power developed would be sold to the Public Service Company of New Hampshire.

A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, market for the power, and all other necessary information for inclusion in an application for license.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before January 22, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33555 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Docket Nos. RP73-89 (PGA79-1) and RP77-6]

SEA ROBIN PIPELINE CO.

Filing of Revised Tariff Sheets

NOVEMBER 20, 1978.

Take notice that on November 15, 1978, Sea Robin Pipeline Company (Sea Robin) tendered for filing and the following revised tariff sheets with the Federal Energy Regulatory Commission:

Original Volume No. 1

Nineteenth Revised Sheet No. 4
Original Sheet No. 4-A

Original Volume No. 2

Sixth Revised Sheet No. 39
Second Revised Sheet No. 39-A
Seventh Revised Sheet No. 64
Ninth Revised Sheet No. 96
Seventh Revised Sheet No. 97
Third Revised Sheet No. 150
Third Revised Sheet No. 151
Second Revised Sheet No. 176
Second Revised Sheet No. 197
Second Revised Sheet No. 218
Second Revised Sheet No. 240
Third Revised Sheet No. 264
Second Revised Sheet No. 288
Second Revised Sheet No. 289
Second Revised Sheet No. 314
Second Revised Sheet No. 315
Second Revised Sheet No. 340
Second Revised Sheet No. 357
Second Revised Sheet No. 365
Second Revised Sheet No. 390
Second Revised Sheet No. 391
Second Revised Sheet No. 416
Second Revised Sheet No. 417
Second Revised Sheet No. 446
Second Revised Sheet No. 447

These tariff sheets and supporting information are being filed 30 days before the effective date of January 1, 1979, pursuant to the Purchased Gas Cost Adjustment provisions set out in Section 1 of Sea Robin's tariff and in compliance with Federal Energy Regulatory Commission (Commission) orders issued May 11, 1978 and July 12, 1978, at Docket No. RP77-6.

Original Sheet No. 4-A is being filed to reflect the currently effective rates for all of Sea Robin's transportation customers on a single tariff sheet.

Sea Robin states that these revised tariff sheets and supporting data are being mailed to Sea Robin's jurisdictional customers and interested State commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions, or protests should be filed on or before December 15, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33549 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Docket Nos. RP72-74, RP74-6, et al.]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FERC Gas Tariff

NOVEMBER 21, 1978.

Take notice that on November 6, 1978, Southern Natural Gas Company (Southern) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Seventh Revised Sheet Nos. 61, 63, 64, 67, 71, 78 and 82, and Sixth Revised Sheet Nos. 72, 74 and 75.

Southern states that the Audit Committee has examined data relating to claims of error or misclassification of requirements in the Index of Requirements as provided in the Stipulation and Agreement which was approved in the Commission's Opinion No. 5, Opinion and Order Approving Settlements Prescribing Permanent Curtailment Plan, issued November 17, 1977. According to Southern, the revised tariff sheets represent changes to the Index which the Audit Committee recommends be included in the effective Index of Requirements, together with changed Rate Schedules for both the City of Raleigh, Mississippi, and the Town of Livingston, Alabama.

Southern avers that the data supporting the proposed changes in the Index of Requirements has been approved by the Audit Committee and that prior approval by the Commission of the other changes has been received. Southern, therefore, proposes that the enclosed tariff sheets be made effective December 15, 1978.

Copies of the filing were served on the company's jurisdictional customers, interested state commissions, and parties of record in the above-entitled proceedings.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard, or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10) on or before November 30, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's Rules. Persons that have previously filed a notice or petition for intervention in any of these proceedings need not file additional notices or petitions to become parties with respect to the instant filing. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33556 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Docket No. RI78-76]

SUN OIL CO.

Amended Petition for Special Relief

NOVEMBER 21, 1978.

Take notice that on October 5, 1978, Sun Oil Company (Sun) II North Park East, Suite 800, Dallas, Texas, 25231 filed an amendment to its petition for special relief on October 5, 1978 requesting a rate of 85.98¢ per Mcf at 14.73 psia for the sale of gas to Transwestern Pipeline Company from the Manse Wood Gas Unit, Well No. 1, Beaver County, Oklahoma.

Sun originally filed on July 3, 1978 for a rate of 87.67¢ per Mcf at 14.73 psia for the sale of this gas to Transwestern Pipeline Company. Sun states that this rate would allow Sun to repair a leak in the well casing and pull stuck tubing from the well.

Any person desiring to be heard or to make any protest with reference to said petition should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before December 13, 1978. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33550 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Docket No. CP79-67]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO, INC.

Application

NOVEMBER 21, 1978.

Take notice that on November 9, 1978, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP79-67, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the Valley Natural Gas Company (Valley), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Valley has arranged, pursuant to a precedent agreement, dated February 4, 1977, to purchase volumes of liquefied natural gas (LNG) from Distrigas of Massachusetts Corporation (DOMAC). It is further stated that Valley and the Boston Gas Company (Boston) have agreed, pursuant to a precedent agreement, dated December 20, 1977, for Boston to receive the LNG from DOMAC, whereupon Boston will release equivalent volumes of natural gas to Applicant for delivery to Valley.

Pursuant to an Agreement between Valley and Applicant dated November 6, 1978, Applicant requests authorization to transport this natural gas during each "winter period" (November 1 through March 31) from an existing interconnection of Applicant's and Boston's facilities, to Applicant's existing Pawtucket Sales Meter States located in Providence County, Rhode Island, in an amount not to exceed 440 Mcf per day, the total in any winter period not to exceed 66,400 Mcf, unless the actual volume of contracted demand gas which Valley has purchased from Applicant during a winter period is less than ninety-eight percent of Valley's full purchase entitlement volumes from Applicant, in which case the maximum amount of natural gas which could be transported in the next winter period would go up according to a formula contained in an agreement between Valley and Applicant, dated November 6, 1978.

It is stated that the rate structure would include a volume charge of 12.41 cents per Mcf plus a minimum annual bill and an added volume charge determined under a contractual formula.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to

become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33551 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Docket No. RP74-41]

TEXAS EASTERN TRANSMISSION CORP.

Practice and Procedure; Intent To Act

NOVEMBER 20, 1978.

The Commission has before it an October 19, 1978, pleading filed by the Municipal Defense Group (MDG) requesting clarification, or in the alternative rehearing, of the Commission's October 10, 1978, "Order Granting Rehearing for Further Consideration and Granting Stay". The Commission intends to issue an order on MDG's request in the near future. Therefore, the motion of MDG shall not be deemed denied under Section 1.12(e) of the Commission's Rules.

The Commission orders: The Municipal Defense Group "Petition for Clarification or in the Alternative for Rehearing" shall not be deemed denied under Section 1.12(e) of the Commission's Rules.

By Direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33552 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Project No. 2857]

VANCEBURG ELECTRIC LIGHT, HEAT & POWER SYSTEM AND THE CITY OF VANCEBURG, KY.

Application for Preliminary Permit

NOVEMBER 21, 1978.

Public notice is hereby given that on June 29, 1978, an application for a preliminary permit was jointly filed by the Vanceburg Electric Light, Heat and Power System and the City of Vanceburg, Kentucky, for the proposed Newburgh Locks and Dam Project No. 2857, to be located on the Ohio River in Henderson County, Kentucky, near the cities of Owensboro and Henderson, Kentucky, and Evansville and Boonville, Indiana. Correspondence regarding the application should be sent to: Mr. Philip P. Ardery, Brown, Todd & Heyburn, 1600 Citizens Plaza, Louisville, Kentucky 40202.

The proposed project would affect navigable waters, 72.6 acres of lands of the United States under control of the U.S. Army Corps of Engineers, and a Government dam.

The proposed project would consist of: (1) a powerhouse on the Kentucky side of the Corps of Engineers Newburgh Dam with generating units having an estimated installed capacity of about 55,000 kW, the number, size and type of which will be determined in the course of the proposed study; (2) step-up transformers; (3) a substation; (4) a transmission line to the East Kentucky Power Cooperative, Inc. transmission system; (5) various recreational facilities; and (6) all other facilities and interests appurtenant for operation of the project. The Applicants estimate the cost of construction as $88,700,000.

The Applicants intend to coordinate the project output with Projects Nos. 2245 and 2614 for which licenses have been issued by the Commission and with Project No. 2739 (Medahl) for which an application is pending before the Commission. The output of the project will be used to meet the Applicants' system load requirements and any excess energy will be sold to East Kentucky Power Cooperative, Inc.

A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine feasibility of the proposed project, market for the power, and all other necessary information for inclusion in an application for license.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1977)). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before January 22, 1979. The Commission's address is: 825 N. Capitol Street NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33557 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Project No. 2858]

VANCEBURG ELECTRIC LIGHT, HEAT & POWER SYSTEM AND THE CITY OF VANCEBURG, KY.

Application for Preliminary Permit

NOVEMBER 21, 1978.

Public notice is hereby given that on June 29, 1978, an application for a preliminary permit was jointly filed by the Vanceburg Electric Light, Heat and Power System and the City of Vanceburg, Kentucky, for the proposed Uniontown Locks and Dam Project No. 2858. The project would be located on the Ohio River in Union County, Kentucky, approximately 3.5 river miles downstream from Uniontown, Kentucky, near the cities of Morganfield and Henderson, Kentucky, Mt. Vernon and Evansville, Indiana, and Shawneetown, Illinois. The proposed project would affect navigable waters, about 49.3 acres of lands of the United States under control of the U.S. Army Corps of Engineers, and a Government dam. Correspondence regarding the application, should be sent to: Mr. Philip P. Ardery, Brown, Todd & Heyburn, 1600 Citizens Plaza, Louisville, Kentucky 40202.

According to the application, the proposed project would consist of: (1) a powerhouse on the Kentucky side of the Corps of Engineers Uniontown Dam with generating units having an estimated installed capacity of 65,000 kW, the number, size and type of which will be determined in the course of the proposed study; (2) step-up transformers; (3) a substation; (4) a transmission line to the East Kentucky Power Cooperative, Inc. transmission system; (5) a proposed recreational development; and (6) all other

facilities and interests appurtenant for operation of the project. The Applicants estimate the cost of construction as $106,000,000.

The Applicants intend to coordinate the project output with Projects Nos. 2245 and 2614 for which licenses have been issued by the Commission and with Project No. 2739 (Meldahl) for which an application is pending before the Commission. The output of the project will be used to meet the Applicants' system load requirements and any excess energy will be sold to East Kentucky Power Cooperative, Inc.

A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, market for the power, and all other necessary information for inclusion in an application for license.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1977)). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before January 19, 1979. The Commission's address is: 825 N. Capitol Street NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33558 Filed 11-29-78; 8:45 am]

[6740-02-M]

[Project No. 2859]

VANCEBURG ELECTRIC LIGHT, HEAT & POWER SYSTEM AND THE CITY OF VANCEBURG, KY.

Application for Preliminary Permit

NOVEMBER 21, 1978.

Public notice is hereby given that on June 29, 1978, an application for a preliminary permit was jointly filed by the Vanceburg Electric Light, Heat and Power System and the city of Vanceburg, Ky., for the proposed Smithland Locks and Dam Project No. 2859. The project would be located on the Ohio River in Livingston County, Ky., approximately 1.0 river miles upstream from the mouth of the Cumberland River, near the cities of Paducah, Smithland, and Calvert City, Ky., and Brookport and Metropolis, Ill. The project would affect navigable waters, about 75.0 acres of lands of the United States under control of the U.S. Army Corps of Engineers, and a Government dam. Correspondence regarding the application should be sent to: Mr. Philip P. Ardery, Brown, Todd & Heyburn, 1600 Citizens Plaza, Lousiville, Ky. 40202.

According to the application, the proposed project would consist of: (1) a powerhouse on the Kentucky side of the Corps of Engineers Smithland Dam with generating units having an estimated installed capacity of 120,000 kW, the number, size and type of which will be determined in the course of the proposed study; (2) step-up transformers; (3) a substation; (4) a transmission line to the East Kentucky Power Cooperative, Inc. transmission system; (5) a proposed recreational development; and (6) all other facilities and interests appurtenant for operation of the project. The Applicants estimate the cost of construction as $191,400,000.

The Applicants intend to coordinate the project output with Projects Nos. 2245 and 2614 for which licenses have been issued by the Commission and with Project No. 2739 (Meldahl) for which an application is pending before the Commission. The output of the project would be used to meet the Applicants' system load requirements; any excess energy would be sold to East Kentucky Power Cooperative, Inc.

A preliminary permit does not authorize construction. A permit, if issued, gives the Permitee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, market for the power, and all other necessary information for inclusion in an application for license.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before January 22, 1979. The Commission's address is: 825 N. Capitol Street NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-33559 Filed 11-29-78; 8:45 am]

[6450-01-M]

Office of Energy Technology

WESTERN NEW YORK NUCLEAR SERVICE CENTER OPTIONS STUDY

Release of Report; Public Conference; and Informational Public Hearing

The Department of Energy (DOE) will release for public review and comment the report on the results of the DOE Western New York Nuclear Service Center Study (West Valley, New York) on November 24, 1978.

To assist the public in its review, the DOE and Congressman Stanley N. Lundine will co-sponsor an informational conference to be held on Saturday, December 16, 1978, at 9:30 a.m. in the West Valley Central School Auditorium, West Valley, New York.

The conference is for the purpose of presenting to the public the results of the DOE study, including:

- Explanation of the range of alternatives and associated costs for the disposition and/or continued used of all or part of the center.
- Recommendation on the allocation of responsibilities and an analysis of how this recommendation was formulated.

There will be question/answer sessions and other discussion periods in which the public is invited to participate.

For further information on this session, contact:

Dr. Goetz K. Oertel, Acting Director, Division of Waste Products, Office of Nuclear Waste Management, Mail Station B-107, U.S. Department of Energy, Washington, D.C. 20545.

In addition, an informational public hearing will be held in the Buffalo area on January 13, 1979, for the purpose of soliciting comments on the study report. The time and location of this hearing will be announced at a later date.

The public will have 90 days from release of the report in which to submit their written comments regarding the study to the Department of Energy. These comments are to be received by Dr. Goetz Oertel at the above address postmarked no later than February 16, 1979. All written comments as well as comments received at the January 13 hearing will be submitted as an adden-

dum to the report submitted to Congress.

Copies of the report can be obtained by writing:

Mr. Robert Low, Regional Representative, U.S. Department of Energy, Region II, New York State Regional Office, 26 Federal Plaza, New York, N.Y. 10007.

Issued in Washington, D.C., November 24, 1978.

ROBERT D. THORNE,
Assistant Secretary for Energy Technology.

[FR Doc. 78-33576 Filed 11-27-78; 4:05 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1016-3; PP 7G1900/T174]

PESTICIDE PROGRAMS

Establishment of Temporary Tolerances

Stauffer Chemical Co., Western Research Center, 1200 S. 47th St., Richmond, CA 94804 has submitted a pesticide petition (PP 7G1900) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for combined residues of the insecticide *O, O*-dimethyl *O*-(4-nitro-m-tolyl) phosphorothioate and its metabolites *O, O*-dimethyl *O*-(4-nitro-m-tolyl) phosphate and 3-methyl-4-nitrophenol in or on fresh alfalfa, alfalfa hay, fresh pasture grass, and pasture grass hay at 10.0 parts per million (ppm) and in milk, meat, fat and meat by-products of cattle, goats, horses, sheep, and hogs at 0.01 ppm.

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit that has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) *et seq.*).

An evaluation of the scientific data reported and other relevant material showed that the requested tolerances were adequate to cover residues resulting from the proposed experimental use, and it was determined that the temporary tolerances would protect the public health. The temporary tolerances have been established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Stauffer Chemical Co., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire February 16, 1979. Residues not in excess of 10 ppm remaining in or on fresh alfalfa, alfalfa hay, fresh pasture grass, and pasture grass hay and 0.01 ppm in milk, meat, fat and meat by-products of cattle, goats, horses, sheep and hogs after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. William Miller, Project Manager (PM) 16, Registration Division (TS-767), Office of Pesticide Programs, East Tower, 401 M St., SW, Washington, D.C. 20460 (202/755-9315)

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].)

Dated: November 21, 1978.

HERBERT S. HARRISON,
Acting Director, Registration Division.

[FR Doc. 78-33461 Filed 11-29-78; 8:45 am]

[6560-01-M]

[CAA (207) Docket No. 1; FRL 1017-3]

CHRYSLER CORPORATION

Issuance of Recall Order

On December 8, 1976, the Administrator of the Environmental Protection Agency ordered Chrysler Corporation to submit a plan to remedy an emissions nonconformity in Chrysler's 1975 F-B2-C and F-LA2L-C, CII, and CIII engine families (comprised of vehicles equipped with 360 and 400 cubic inch displacement engines, 2 barrel carburetors and catalytic converters). This recall order was issued pursuant to section 207(c)(1) of the Clean Air Act.

Chrysler contested this recall order at a formal adjudicatory hearing. On February 10, 1978, Administrative Law Judge Edward B. Finch, hearing examiner, issued an initial decision affirming the Administrator's recall determination and an order directing Chrysler to submit a plan to remedy the nonconformity in the subject vehicles. Chrysler filed a notice of appeal of Judge Finch's decision to the Administrator on February 14, 1978.

Notice is hereby given that the Administrator, by decision and order dated November 20, 1978, has upheld the decision of Judge Finch and ordered Chrysler to submit a plan for remedying the nonconformity in the subject vehicles. As stated in the decision, the Administrator found that the determinations therein are of nationwide scope or effect.

The decision and order of the Administrator is on file in the hearing clerk's office at the Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., room 3709. The Administrator's order directing Chrysler to submit a plan to remedy the emissions nonconformity is set forth below.

Dated: November 24, 1978.

MARVIN B. DURNING,
Assistant Administrator for Enforcement.

U.S. ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

In the Matter of Chrysler Corporation, *Respondent* [CAA (207) Docket No. 1].

ORDER

Findings having been made that a substantial number of vehicles in Chrysler's 1975 F-B2-C and F-LA2L-C, CII, and CIII engine families (comprised of vehicles equipped with 360 and 400 cubic inch displacement (CID) engines, 2 barrel carburetors and catalytic converters) do not conform to the 1975 Federal emission standard of 15 grams per vehicle mile for carbon monoxide (CO), (40 CFR 85.075-1(a)(ii)(b)), although properly maintained and used, when in actual use throughout their useful life, it is hereby ordered that Chrysler Corporation submit a plan for remedying the nonconformity to the Administrator in accordance with 40 CFR 85.1803 within 30 days from the date of this order.

Dated: November 20, 1978.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 78-33587 Filed 11-29-78; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

NATIONAL CITY CORP.

Formation of Bank Holding Co.

National City Corporation, Cleveland, Ohio, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of The Huron County Banking Company, N.A., Norwalk, Ohio. The factors that are considered in acting on the application

are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 22, 1978. Any comment on an application that requests a hearing must be sent to the Secretary's Office on or before January 2, 1979 and must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 22, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-33506 Filed 11-29-78; 8:45 am]

[6210-01-M]

TEXAS AMERICAN BANCSHARES, INC.

Acquisition of Bank

Texas American Bancshares, Inc., Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of The Citizens National Bank of Denison, Denison, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 22, 1978. Any comment on an application that requests a hearing must be sent to the Secretary's Office on or before January 2, 1979 and must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 22, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-33507 Filed 11-29-78; 8:45 am]

[4110-86-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

ANNUAL REPORTS

Availability of Filing

Notice is hereby given that pursuant to Section 13 of Public Law 92-463 (5 U.S.C. Appendix I), Annual Reports for the following Center for Disease Control Committees have been filed with the Library of Congress:

Coal Mine Health Research Advisory Committee
Safety and Occupational Health Study Section
Immunization Practices Advisory Committee

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, and on weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, HEW North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone 202-245-6791.

Dated: November 24, 1978.

WILLIAM C. WATSON, Jr.,
Director,
Center for Disease Control.

[FR Doc. 78-33522 Filed 11-29-78; 8:45 am]

[4110-35-M]

Health Care Financing Administration

MEDICARE AND MEDICAID CONTRACTING

Comment Period Extended

Pursuant to the notice appearing in the FEDERAL REGISTER on November 1, 1978 (page 50970) regarding the report on Medicare and Medicaid contracting, the period for public comment has been extended to December 15, 1978.

Dated: November 22, 1978.

LEONARD D. SCHAEFFER,
Administrator, Health Care Financing Administration.

[FR Doc. 78-33520 Filed 11-29-78; 8:45 am]

[4110-35-M]

PHARMACEUTICAL REIMBURSEMENT BOARD

Maximum Allowable Cost Limits for Certain Drugs; Extension of Comment Period

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Notice.

SUMMARY: The comment period for amoxicillin 250 and 500 mg tablets and amoxicillin oral suspension 125 mg per 5 cc is hereby extended until January 2, 1979. The comment period for erythromycin (base) 250 mg tablets, hydrochlorothiazide HCl 25 mg and 50 mg tablets is extended until further notice.

DATE: End of comment period for amoxicillin January 2, 1979. The comment period for erythromycin (base) and hydrochlorothiazide will remain open until further notice in the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

Peter Rodler, Executive Secretary, Pharmaceutical Reimbursement Board, 3076 Switzer Building, 330 C Street SW., Washington, D.C. 20201, 202-472-3820.

SUPPLEMENTARY INFORMATION: On August 31, 1978 the Pharmaceutical Reimbursement Board (Board) announced proposed MAC limits and a public hearing on October 18 and 19, for erythromycin (base) 250 mg tablets (see 43 FR 40547-8). On October 17, 1978, we announced that the hearing was rescheduled for November 1 and 2, 1978. (See 43 FR 47792). On September 12, 1978, we announced proposed MAC limits and a public hearing on November 1 and 2, for hydrochlorothiazide 25 and 50 mg tablets (See 43 FR 40547-8).

On October 27, 1978, FDA informed us that, "in light of the data we have recently received through the Board from Upjohn and directly from Merck regarding the quality of marketed hydrochlorothiazide and erythromycin products, we are advising the Board to delay MAC limits on these drugs until FDA has had an opportunity to fully evaluate the data presented in writing and at the scheduled hearings. This recommendation for a delay does not affect the recommendations on any of the other drugs in MAC Group 5, including erythromycin stearate."

On the basis of FDA's advice, we are leaving the record open and extending the comment period for erythromycin 250 mg tablets and hydrochlorothiazide HCl 25 and 50 mg tablets. When we have received FDA's evaluation of the Upjohn and Merck submissions, we will publish a notice in the FEDERAL REGISTER indicating that the record will close 15 days after that publication. Our current expectation is that we will publish this notice shortly after the first of the year.

In reference to the amoxicillin drugs, on August 31, 1978, we announced proposed MAC limits and a public hearing on October 18 and 19 for the amoxicillin drugs (See 43 FR 47792). During the comment period Beecham Inc., submitted a written comment which claimed that Beecham was the sole owner of the U.S. patents covering amoxicillin, and that with the exception of one other firm, all

other companies who are currently distributing amoxicillin in the United States are doing so without authorization from Beecham to manufacture or sell amoxicillin. In order to resolve the issues raised by Beecham, we are leaving the record open and extending the comment period for amoxicillin 250 mg and 500 mg capsules and amoxicillin oral solution 125 mg and 250 mg per 5 cc until January 2, 1979.

Dated: November 22, 1978.

PETER RODLER,
Executive Secretary, Pharmaceutical Reimbursement Board.

[FR Doc. 78-33531 Filed 11-29-78; 8:45 am]

[4110-85-M]

Public Health Service

HEALTH MAINTENANCE ORGANIZATIONS

Applications

AGENCY: Public Health Service, HEW.

ACTION: Notice inviting applications for financial assistance.

SUMMARY: This notice sets forth requirements for submission of applications for financial assistance by eligible organizations proposing to develop a health maintenance organization (HMO) or expand a qualified HMO.

ADDRESSES: Application forms and instructions may be obtained by writing the Regional Health Administrator in the appropriate Regional Office of the Department of Health, Education, and Welfare at the addresses set forth at 45 CFR 5.31(b).

FOR FURTHER INFORMATION CONTACT:

Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301-443-4106.

SUPPLEMENTARY INFORMATION: Notice is hereby given that eligible organizations may submit applications for financial assistance for the development and initial operation of HMO's, and for their significant expansion, under title XIII of the Public Health Service Act (42 U.S.C. 300e et seq.). The last notice of this type was published in the FEDERAL REGISTER on February 24, 1978 (43 FR 7708-9).

PROJECTS NOT CURRENTLY FUNDED UNDER TITLE XIII

New applications may be submitted at any time to the appropriate Department of Health, Education, and Welfare (DHEW) Regional Office by eligible organizations proposing to develop an HMO or expand a qualified HMO under sections 1303, 1304, and 1305 of the Public Health Service Act, as amended, and 42 CFR part 110. The Department may, at a later date, set priorities for funding HMO feasibliity applications (section 1303 of the act). If priorities are established, they will be published in the FEDERAL REGISTER. Eligible organizations are encouraged to submit their applications as soon as possible.

It is anticipated that a 120-day review period will be required between receipt of the application in the HEW Regional Office and final disposition. All applicants will be notified of the final action on their applications, and awards will be made as soon as possible by the appropriate HEW Regional Office.

PROJECTS CURRENTLY FUNDED UNDER TITLE XIII

The Department wishes to respond to the different rates of progress of HMO feasibility, planning, and initial development projects, and to their different beginning dates of initial operations. Therefore, applications will be accepted and considered on a individual basis for continuation funding or for funding of subsequent levels of progress as completion of the appropriate activities under the previously funded project is demonstrated. Applications for continuation funding or for funding of subsequent levels may be submitted either for development of HMO's in the first instance or for the significant expansion of qualified HMO's. It is estimated that a 120-day review period will be required between the receipt and final action on each of these applications. Therefore, applications must be submitted to the appropriate DHEW Regional Office at least 120 days prior to the anticipated date of award.

OFFICE OF MANAGEMENT AND BUDGET—CIRCULAR NO. A-95 REQUIREMENT

It should be noted that applicants requesting Federal financial assistance under title XIII of the Public Health Service Act are subject to the Office of Management and Budget Circular No. A-95 requirements in addition to the application requirements of title XIII and 42 CFR part 110. Any agency of State or local government or any organization or individual undertaking to apply for assistance for a project thereto under a Federal program covered by the OMB circular A-95 will be required to notify both the State and areawide planning and development clearinghouse in the jurisdiction where the project is to be located, of its intent to apply for assistance at such time as it determines it will develop an application. Clearinghouses may take a total of 60 days to consider the applicant's notification of intent or completed application or both. All HMO applications must have been submitted for clearinghouse comments before a competitive review is made by DHEW of the application. Applicants are advised to submit such notifications and completed applications at the earliest possible date in order to be able to meet the schedule for grant review.

HEALTH SYSTEMS AGENCY OR STATE HEALTH PLANNING AND DEVELOPMENT AGENCY REVIEW AND COMMENTS

Applicants are required to submit their applications to the appropriate Health Systems Agency (HSA) or State Health Planning Agency (SHPDA) for review and comment in accordance with the requirements of title XIII of the Public Health Service Act and 42 CFR § 110.204. If the HSA of SHPDA elects to exercise its review and comment function, it may take up to 60 days to submit its comments and recommendations regarding the application.

Dated: November 22, 1978.

HOWARD R. VEIT,
Director, Office of Health Maintenance Organizations.

[FR Doc. 78-33478 Filed 11-29-78; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[4310-84]

MONTANA

Wilderness Inventory

NOVEMBER 22, 1978.

Notice is hereby given that the Bureau of Land Management is conducting wilderness inventories on certain public lands in Montana. The inventories, which will follow the guidelines established by the Bureau, are the first step in the wilderness review process on public lands.

These inventories are being conducted in the following project areas in advance of the statewide inventory in order to meet time commitments previously established for the projects: Northern Tier Pipeline Corridor—Butte and Miles City Districts.

Public meetings are being scheduled in the following communities in order to analyze draft wilderness inventory maps and narratives prepared for the affected areas:

Jordan—December 6, 11 a.m.-7 p.m., VFW Hall.
Terry—December 7, 7 p.m.-9 p.m., Prairie County District Grazing Office.
Missoula—December 7, 7:30 p.m.-10 p.m., Missoula City-County Library.
Ovando—December 13, 7:30 p.m.-10 p.m., Ovando School Gymnasium.

FOR FURTHER INFORMATION CONTACT:

George H. Neuburg, District Manager, Miles City District Office, BLM, P.O. Box 940, Miles City, Montana 59301.

Jack McIntosh, District Manager, Butte District Office, BLM, 220 North Alaska, P.O. Box 308, Butte, Montana 59701.

EDWIN ZAIDLICZ,
State Director.

[FR Doc. 78-33480 Filed 11-29-78; 8:45 am]

[4310-84-M]

[NM 35272, 35279, 35284 and 35285]

NEW MEXICO

Applications

NOVEMBER 20, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company 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. 29 N., R. 5 W.,
Sec. 34, NW¼SW¼.
T. 30 N., R. 9 W.,
Sec. 30, lot 4.
T. 30 N., R. 10 W.,
Sec. 9, lots 3 and 4;
Sec. 15, lot 5;
Sec. 25, lots 10, 15 and 16.

These pipelines will convey natural gas across 0.784 of a mile of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands, and Minerals Operations.

[FR Doc. 78-33485 Filed 11-29-78; 8:45 am]

[4310-84-M]

[U-41356; U-41357]

UTAH

Application

NOVEMBER 22, 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 Corporation has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 20 S., R. 24 E.,
Secs. 5, 6 and 7.

The needed rights-of-way are a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

DELL T. WADDOUPS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-33524 Filed 11-29-78; 8:45 am]

[4310-84-M]

[U-41685]

UTAH

Application

NOVEMBER 22, 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 Corporation has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 20 S., R. 24 E.,
Secs. 17, W½NE¼.

The needed right-of-way is a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah, 84532.

DELL T. WADDOUPS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-33536 Filed 11-29-78; 8:45 am]

[4310-84-M]

[U-41355]

UTAH

Application

NOVEMBER 22, 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 Corporation has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 20 S., R. 24 E.,
Sec. 31, E½NW¼; S½NE¼

The needed right-of-way is a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, UT 84532.

DELL T. WADDOUPS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-33537 Filed 11-29-78; 8:45 am]

[4310-84-M]

WESTERN LEG OF ALASKA NATURAL GAS TRANSMISSION SYSTEM

Wilderness Inventory in California; Meeting

NOVEMBER 24, 1978.

The Bureau of Land Management will hold a public meeting January 3, 1979, on the Wilderness Inventory of the California portion of the Western Leg of the Alaska Natural Gas Transmission System. the meeting will be held from 7:30 to 9 p.m., Wednesday, January 3, 1979, at the Redding District Office, 355 Hemsted Drive, Redding, Calif. 96001.

The purpose of the meeting is to inform the public, answer questions, and accept written comments on (1) the findings of the inventory of the wilderness values associated with the

Western Leg of the Alaska Natural Gas Transmission System in California and (2) the State Director's proposed decision concerning the wilderness values associated with the California portion of the Western Leg of the Alaska Natural Gas Transmission System. Detailed maps and narrative evaluations of the inventoried areas will be available at the meeting.

Written comments adding factual information to the wilderness inventory and commenting on the proposed decision will be accepted at the meeting. Comments will be accepted throughout a 60-day comment period initiated by publication of the Inventory and announcement of the proposed decision expected to be November 30, 1978.

For further information write the District Manager, 355 Hemsted Dr., Redding, Calif. 96001 or phone 916-246-5325.

The complete inventory and detailed maps and photographs may be reviewed at the Redding District Office, 355 Hemsted Dr., Redding, Calif. 96001, during normal business hours (7:45 a.m. to 4:30 p.m.) Monday through Friday.

STANLEY D. BUTZER,
District Manager.

[FR Doc. 78-33523 Filed 11-29-78; 8:45 am]

[4310-84-M]

WILDERNESS INVENTORY

Commencement and Availability of Handbook

AGENCY: Colorado State Office, Bureau of Land Management, Interior

ACTION: Notice

SUMMARY: This notice announces the commencement of the statewide wilderness inventory in Colorado and the availability of the Wilderness Inventory Handbook to guide the wilderness inventory process. The inventory, to identify the roadless areas of 5000 acres or more of contiguous public land with wilderness characteristics as wilderness study areas, is the first step in the wilderness review process. The next step of the review process will be studies to determine which of these areas will be recommended as suitable or nonsuitable for wilderness disignation by Congress as part of the National Wilderness Preservation System. The Wilderness Inventory Handbook is available form the State and District Offices.

ADDRESSES: Bureau of Land Management, Colorado State Office, Rm. 700, Colorado State Bank Bldg., Denver, Colorado 80202; Bureau of Land Management, Canon City District, 3080 East Main Street, Canon City, Colorado 81212; Bureau of Land Management, Craig District, 455 Emerson Street, P.O. Box 248, Craig, Colorado 81625; Bureau of Land Management, Grand Junction District, 764 Horizon Drive, Grand Junction, Colorado 81502; Bureau of Land Management, Montrose District, Highway 550 South, P.O. Box 1269, Montrose, Colorado 81401.

FOR FURTHER INFORMATION CONTACT:

Public Affairs at the Colorado State Office at the above address or call 303/837-4481.

Dated: November 20, 1978.

CHARLES W. LUSCHER,
Acting Colorado State Director, Bureau of Land Management.

[FR Doc. 78-33479 Filed 11-29-78; 8:45 am]

[4310-84-M]

[W-65472]

WYOMING

Application

NOVEMBER 20, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Company of Oklahoma City, Oklahoma filed an application for a right-of-way to construct a 12¾ inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R 93 W.,
Sec. 20.
T. 18 N., R. 94 W.,
Secs. 20, 22 and 24.
T. 18 N., R. 95 W.,
Secs. 20, 22 and 24.

The proposed pipeline will extend from a well located in the SW¼ of section 13, T. 18 N., R. 96 W., Sweetwater County, Wyoming to a point of connection with an existing gathering line located in the SW¼ of section 21, T. 18 N., R. 93 W., Carbon County, Wyoming.

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 names and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Mineral Operations.

[FR Doc. 78-33486 Filed 11-29-78; 8:45 am]

[4310-84-M]

[W-65821]

WYOMING

Application

NOVEMBER 20, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 4¼ inch O.D. pipeline and related facilities consisting of a meter house and dehydrator for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 93 W.,
Sec. 2, lots 7, 8 and 10;
T. 19 N., R. 93 W.,
Sec. 34, SE¼ SW¼ and S½SE¼.

The proposed pipeline will transport natural gas from the Sun Federal #1-34 well located in the SE¼SW¼ of section 34, T. 19 N., R. 93 W., to a point of connection on a pipeline being constructed under right-of-way application W-64692 in lot 10, section 2, T. 18 N., R. 93 W., all within Carbon County, Wyoming.

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 Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-33525 Filed 11-29-78; 8:45 am]

[4310-84-M]

[C-070338 Amendment]

WYOMING

Application

NOVEMBER 21, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Marathon Pipe Line Company of Casper, Wyoming filed an application to amend their existing right-of-way, C-070338 to relocate a portion of their existing 10-inch pipeline for the purpose of transporting crude oil and other synthetic liquid fuels across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 58 N., R. 100 W.,
sec. 23, S½NE¼ and NW¼SE¼.

The proposed 10-inch pipeline will replace and relocate a portion of the existing pipeline and will transport crude oil and other synthetic fuels from a point on their existing 10-inch pipeline located in the NW¼SE¼ to a point located in the SE¼SE¼ of section 24, all within T. 58 N., R. 100 W., Park County, Wyoming.

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, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyoming 82401.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-33526 Filed 11-29-78; 8:45 am]

[4310-10-M]

Office of the Secretary

[INT FES 78-33]

SILVER CITY, OWYHEE COUNTY, IDAHO

Availability of 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 final environmental statement on the disposition of the historic mining town of Silver City, Idaho. A limited number of copies of the final statement are available upon request to Boise District Office, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702 and Idaho State Office, Bureau of Land Management, Federal Building, Box 042, 550 W. Fort Street, Boise, Idaho 83724.

The final environmental statement incorporates comments on the draft environmental statement which was made available to the public on April 28, 1978. The draft statement was the subject of a public hearing in Boise, Idaho, on May 25, 1978.

Public reading copies will be available at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240, Telephone: 202-343-5717.

Idaho State Office, Bureau of Land Management, Federal Building, 550 W. Fort Street, Boise, Idaho 83724, Telephone: 208-384-5717.

Boise District Office, Bureau of Land Management, 230 Collins Road, Telephone: 208-384-1582.

Coeur d' Alene District Office, Bureau of Land Management, 1808 N. Third Street, Coeur d' Alene, Idaho 83814, Telephone: 208-667-2561.

Idaho Falls District Office, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401, Telephone: 208-522-7460.

Dated: November 24, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary.

[FR Doc. 78-33505 Filed 11-29-78; 8:45 am]

[4410-09-M]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

NATIVE AMERICAN CHURCH

Notice to Special Exempt Persons

SUMMARY: The purpose of this notice is to inform all interested parties of a proposed meeting, the purpose of which is to establish means for the legitimate distribution of peyote to members of the Native American Church. Title 21, Section 1307.31 of the Code of Federal Regulations specifically exempts members of the Native American Church from the registration requirement under the Controlled Substances Act for the use of peyote in bona fide religious ceremonies. Both the Drug Enforcement Administration and the Native American Church are aware of past difficulties caused by unauthorized persons obtaining sacramental peyote from authorized distributors. This problem results from the difficulty in identifying bona fide church members. Therefore, the Drug Enforcement Administration has sent the following letter of invitation to all known legitimate branches of the Native American Church or their representatives to discuss procedures which can be implemented to prevent unauthorized persons from obtaining peyote and thereby ensuring that adequate amounts of it will be available for legitimate prayer services:

Dear ————: As you are aware from our past conversations, there has been a problem of unauthorized persons obtaining sacrament peyote from authorized distributors due to the difficulty of identifying bona fide church members. Many members of the various branches of the Native American Church have asked The Drug Enforcement Administration to assist in preventing these nonchurch members from obtaining the peyote since this creates a shortage of peyote for legitimate prayer services and its misuse by these persons harms the Church's image. The Drug Enforcement Administration has suggested a standard order authorization be used by all bona fide branches of the Church. The Drug Enforcement Administration would endorse the order as the only order by which authorized distributors could release the peyote to church custodians. Those seeking to misuse the peyote would not have access to the standard order format.

Therefore, the Drug Enforcement Administration has been invited by Mr. Emerson Jackson, Native American Church of North America, to call together representatives of all known legitimate branches of the Native American Church to discuss this distribution method. Mr. Jackson has tentatively scheduled a meeting and prayer service at the Omaha Tribal Cultural Building, Macy, Nebraska, on December 15, 1978, at 10:00 AM. The Drug Enforcement Administration, along with the Native American Church of North America, would like to invite you, or a senior representative, to attend this meeting, so all branches of the church and the Drug Enforcement Administration may mutually agree upon a procedure to protect the sacramental peyote from those seeking to misuse it. Please direct your response to my attention by November 30, 1978. If you should have any questions, please feel free to contact me at 202-633-1321.

Sincerely,

RONALD W. BUZZEO,
Chief, Compliance Division.

Any interested party seeking information regarding the meeting should contact: Mr. Ronald W. Buzzeo, Chief, Compliance Division, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, 1405 Eye Street, N.W., Room 518, Washington, D.C. 20537, 202/633-1321.

Dated: November 24, 1978.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 78-33582 Filed 11-29-78; 8:45 am]

[4410-18-M]

Law Enforcement Assistance Administration

RESEARCH GRANT PROGRAM

Solicitation

The National Institute of Law Enforcement and Criminal Justice (NILECJ) announces a competitive research grant program aimed at developing a fuller understanding of the knowledge utilization process in criminal justice. The goal of this research program is to contribute to the improvement of NILECJ's efforts to promote the effective transformation of the results of criminal justice research and development into criminal justice policy and practice.

The solicitation asks for the submission of preliminary proposals rather than formal applications. Proposals will be reviewed by a panel designated by NILECJ. Requests for formal applications will be based on the results of this review process in accordance with

the criteria set forth in the solicitation.

In order to be considered, all preliminary proposals must be received by January 31, 1979. Formal applications will be invited in March. Grant award is planned for May, 1979 with funding support not to exceed $350,000 for the two-year period. NILECJ's intent to support the research program for three additional years is described in the solicitation.

Further information and copies of the solicitation can be obtained by contacting: Frank Shults, Model Program Development Division, Office of Development, Testing and Dissemination, NILECJ, 633 Indiana Avenue, NW., Washington, D.C. 20531, (301) 492-9090.

BLAIR G. EWING,
Acting Director, NILECJ.

[FR Doc. 78-33482 Filed 11-29-78; 8:45 am]

[3510-12-M]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING

Pursuant to Sec. 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. (App. 1976), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a 2-day meeting on Thursday and Friday, December 14-15, 1978. The sessions will be open to the public and will be held in Room 416, Page Building Number 1, 2001 Wisconsin Avenue, N.W., Washington, D.C. The session on Thursday will begin at 9:00 a.m.; the Friday session at 8:00 a.m.

The Committee, consisting of 18 non-Federal members, appointed by the President from State and local government, industry, science, and other appropriate areas, was established by the Congress by Public Law 95-63, on July 5, 1977. Its duties are to: (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs of the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or the Congress.

The tentative meeting schedule follows:

THURSDAY, DECEMBER 14, 1978

9 a.m.—Plenary Session (Room 416, Page Bldg. 1) Meeting Plans, Chairman.
9:30 a.m.—Working Group Sessions, R&D Panel (Room 401, Page Bldg. 2), Dr. J. Knauss. Ocean Use Panel (Room 416, Page Bldg. 1), Coastal Zone Management Legislation, Dr. E. Murphy.
12 Noon—Lunch.
1 p.m.—Working Group Sessions (continued), R&D Panel (Room 401, Page Bldg. 2), Dr. J. Knauss. Reorganization Panel (Room 416, Page Bldg. 1), Mr. M. Dubs.
5 p.m.—Adjourn.

FRIDAY, DECEMBER 15, 1978

8 a.m.—Plenary Session (Room 416, Page Bldg. 1), Future Plans, Chairman.
9 a.m.—CZM Act Amendments, Dr. E. Murphy.
10 a.m.—Reorganization Study, Mr. M. Dubs.
12 Noon—Lunch.
1 p.m.—Plenary Session (Room 416, Page Bldg. 1), Reorganization Study (continued), Mr. M. Dubs.
3 p.m.—Adjourn.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the perogative to impose limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, N.W. (Room 434, Page Building 1), Washington, D.C. 20235. The telephone is (202) 254-8412.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc. 78-33710 Filed 11-29-78; 8:45 am]

[4410-01-M]

NATIONAL COMMISSION FOR THE REVIEW OF ANTITRUST LAWS AND PROCEDURES

CORRECTION OF MEETING NOTICE

Notice is hereby given that the National Commission for the Review of Antitrust Laws and Procedures will hold a public meeting on Thursday, December 7, 1978, rather than on Friday, as previously indicated in FR Doc. 78-32749 November 22, 1978, at 43 FR 54705. The meeting will begin at 9:30 a.m. in Room 2141, Rayburn House Office Building, Independence and South Capitol Streets, SW., Washington, D.C.

WENDELL B. ALCORN, Jr.,
Special Counsel.

[FR Doc. 78-33509 Filed 11-29-78; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-321]

GEORGIA POWER CO. ET AL.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Facility Operating License No. DPR-57 issued to Georgia Power Company, Oglethorpe Electric Membership Corporation, Municipal Electric Association of Georgia and City of Dalton, Georgia, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to delete the existing Appendix B Environmental Technical Specifications (ETS) and adopt the ETS approved for Hatch Unit 2 which were issued by the Commission June 13, 1978.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action other than has already been predicted and described in the Commission's Final Environmental Statement for Hatch Unit 2.

For further details with respect to this action, see (1) the application for amendment dated June 7, 1978, (2) Amendment No. 61 to License No. DPR-57, and (3) the Commission's related Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Appling County Public Library,

Parker Street, Baxley, Georgia 31513. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 16th day of November 1978.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-33497 Filed 11-29-78; 8:45 am]

[7590-01-M]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG-D5, "Safety Guide on Man-Induced Events," has been developed. The Working Group, consisting of Mr. K. Guenther, Federal Republic of Germany; Mr. V. Ramachandran, India; Mr. J. F. Costello and Mr. J. O'Brien (U.S. Nuclear Regulatory Commission), United States of America, developed the initial draft of this Safety Guide from an IAEA collation during meetings on November 15-26, 1976 and October 24-28, 1977. The Working Group draft of this Safety Guide was modified by the IAEA Technical Review Committee on Design which met in September 1978, and we are soliciting public comments on this modified draft. Comments on this draft received by January 15, 1979 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Md. this 17th day of November 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc. 78-33498 Filed 11-29-78; 8:45 am]

[7590-01-M]

[Docket No. 50-320]

METROPOLITAN EDISON CO., ET AL. (THREE MILE ISLAND NUCLEAR STATION, UNIT NO. 2)

Order

NOVEMBER 21, 1978.

The evidentiary hearing on the aircraft crash probability issue will commence at 9:00 a.m. on Monday, December 11, 1978 in the Majority Caucus Room of the Pennsylvania House of Representatives, Main Capitol Building, Harrisburg, Pennsylvania.

All parties shall promptly acknowledge receipt of this notice by letter to the Secretary to the Board. In addition, each party shall inform the Secretary, no later than December 4, 1978 of the name(s) of the counsel or other representative who will appear at the hearing on its behalf.

It is so ordered.

For the Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc. 78-33490 Filed 11-29-78; 8:45 am]

[7590-01-M]

[Docket No. PRM-20-12]

PAN AMERICAN WORLD AIRWAYS, INC.

Filing of Petition for Rulemaking

Notice is hereby given that Pan American World Airways, Inc., by letter dated October 17, 1978, has filed with the Nuclear Regulatory Commission a petition for rulemaking to amend the Commission's regulation "Standards for Protection Against Radiation," 10 CFR Part 20.

The petitioner requests the Commission to amend the definition of "radiation area" in 10 CFR 20.202(b)(2). The petitioner states that:

I submit that the present definition and requirements for labeling of a radiation area may not be appropriate in view of 10 CFR 20.105, "Permissible Levels of Radiation in Unrestricted Areas."

In 10 CFR 20.105, it is implied that restrictions may be necessary in any area where radiation levels could exceed either 2 mRem in an hour, 100 mRem in 7 consecutive days or is likely to exceed 500 mRem in a year.

In 10 CFR 20.202(b)(2), a radiation area is defined as "any area accessible * * * that a major portion of the body could receive in any one hour a dose in excess of 5 mRem, or in any 5 consecutive days a dose in excess of 100 mRem." Also, a radiation area is required to be appropriately posted with a warning (10 CFR 20.203(b)).

The petitioner proposes that 10 CFR 20.202(b)(2) be amended to read as follows:

"Radiation area" means any area accessible to personnel in which there exists radiation, originating in whole or in part within licensed material, at such levels that a major portion of the body could receive in any one hour a dose in excess of 2 mRem, or in any 7 consecutive days a dose in excess of 100 mRem, or is likely to receive a dose in excess of 500 mRem in any calendar year.

The petitioner offers the following basis or justification for the requested amendments:

1. Under present requirements, an area may require restriction due to the presence of radiation, but that area may not necessarily be required to be posted with a warning. Any area which is restricted because of the presence of an increased hazard level should be posted with a sign that will warn or instruct any individual entering the area of the hazard involved. This should be consistent with OSHA 29 CFR 1910.145(a), (b), (c).

2. This proposition better illustrates the close interrelationship between a restricted area and a radiation area. It simplifies understanding of this interrelationship by removing unnecessary complicating differences between the two definitions.

3. The proposed change would provide, as a byproduct, more complete posting and, thus, be consistent with the spirit of 10 CFR 19.12.

A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document

Room, 1717 H Street, N.W., Washington, DC. A copy of the petition may be obtained by writing the Division of Rules and Records at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC. 20555, on or before January 29, 1979.

Dated at Washington, D.C. this 24th day of November 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-33491 Filed 11-29-78; 8:45 am]

[7590-01-M]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. DPR-59, issued to Power Authority of the State of New York (the licensee), which revised Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

This amendment revises the Technical Specifications by: (1) revision of the specification as a result of Safety Relief Valve regrouping and setpoint changes; (2) revision of the specification to reflect reactor refueling using the General Electric 8x8R fuel; and (3) revisions to reflect miscellaneous minor changes to correct editorial errors in the current specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 18, 1978, (2) Amendment No. 43 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oswego County Office Building, 46 East Bridge Street, Oswego, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 22nd day of November, 1978.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-33499 Filed 11-29-89; 8:45 am]

[7590-01-M]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Facility Operating License No. DPR-59, issued to Power Authority of the State of New York (the licensee), which revised Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

This amendment revises the Technical Specifications to reflect the installation of the Analog Transmitter/Trip Unit System (ATTUS).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 10, 1978, (2) Amendment No. 42 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oswego County Office Building, 46 East Bridge Street, Oswego, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 22nd day of November 1978.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-33500 Filed 11-29-78; 8:45 am]

[7590-01-M]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Diesel-generator units have been widely used as the power source for the onsite electric power systems for supplying essential loads when offsite power sources are not available. Regulatory Guide 1.9, Revision 1, "Selection, Design, and Qualification of Diesel-Generator Units Used as Onsite Electric Power Systems at Nuclear Power Plants," describes a method acceptable to the NRC staff for ensuring that diesel-generator units intended for use as onsite power sources in nuclear power plants be selected with

sufficient capacity and be qualified for this service.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.9, Revision 1, will, however, be particularly useful in evaluating the need for an early revision if received by January 26, 1979.

Comments should be sent to the Secretary of the Commission, U.S. Nucleaf Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of the latest revision of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 21st day of November 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc. 78-33503 Filed 11-29-78; 8:45 am]

[7590-01-M]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Issuance Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977, the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to Section No. 5.4.2.1 (Steam Generator Materials) of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1974 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is $70.00, including first-year supplements. Annual subscriptions for supplements along are $30.00. Individual sections are available at current prices. The domestic price for Revision No. 1 to Section No. 5.4.2.1 is $4.00. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555.

(5 U.S.C. 552(a)).

Dated at Bethesda, Md. this 20 day of November 1978.

For the Nuclear Regulatory Commission.

ROGER J. MATTSON,
Director, Division of Systems Safety, Office of Nuclear Reactor Regulation.

[FR Doc. 78-33504 Filed 11-29-78; 8:45 am]

[7590-01-M]

[PRM-2-5]

STATE OF NEW HAMPSHIRE

Filing of Petition for Rule Making

Notice is hereby given that the State of New Hampshire through its Office of the Attorney General, by letter dated October 31, 1978, has filed with the Nuclear Regulatory Commission a petition for rule making. The petitioner requests the Nuclear Regulatory Commission to conduct a joint proceeding with the Council on Environmental Quality, Environmental Protection Agency, Secretary of the Army, Secretary of the Interior, Secretary of State, and Secretary of Transportation, to adopt rules designed to achieve efficiency in the grant or denial of all licenses required for the construction and operation of nuclear power facilities. The petitioner states that the results sought by its petition include, but are not limited to the following:

1. The designation of the Nuclear Regulatory Commission as the sole depository for all applications for all licenses or other federal authorizations required for the construction and operation of nuclear power facilities, and all documents related to such applications.

2. The conduct of a single, joint, consolidated, hearing on such applications for all agencies involved, including the compilation of a single record, when a hearing is required. The "hearing" to include all processing of an application on an after its filing.

3. The establishment of a joint decision making procedure, to be employed after the compilation of a record, wherein all involved agencies will participate, and render a joint decision disposing of all issues raised, specifying all limitations on the conduct of the applicant, and specifying all design changes required of the applicant in order to accommodate the needs of all agencies involved in the licensing process.

4. The development and publication of more detailed requirements for the form and content of all applications required for the construction and operation of such facilities.

5. The widest popular notice of the making of such applications at the time of tendering and at the time of filing of such applications. Such notice to include printed notices in local and regional newspapers, and local and regional radio and television broadcasts, in addition to personal notice to executive officers of local and State governmental units.

6. The requirement that the involvement by persons other than the applicant and the licensing agency in the processing of such applications be commenced at the outset, or not at all.

7. The requirement that the issues and the positions of all involved persons be determined and fixed at an early stage of the processing of applications.

8. The designation of firm deadlines for all stages of the processing of such applications, and the provision of an automatic result, favorable to the applicant, if the agency has not acted to complete a stage of the processing at the deadline for that stage.

9. The establishment of a fixed period of time for the total processing of such applications, and the provision of an automatic result, favorable to the applicant, if the agency has not issued a final order by the expiration of the fixed period.

10. The provision of safeguards regarding results numbered 8 and 9, to include:

(a) That the time consumed by the applicant in responding to agency requests for data shall not be included in such fixed periods; and

(b) That the agencies shall automatically make those findings of fact and conclusions of law necessary to support the granting of licenses to the applicant; and

(c) That such fixed periods shall not commence to run until an application, completed in accordance with agency rules, has been filed by the applicant.

11. Uncontested applications which nevertheless require a hearing be sent directly to the agency head (the joint decision making group) for approval after the applicant and agency staff have resolved any differences.

12. Require that the Advisory Committee on Reactor Safeguards review the application at the same time as the staff, and that the committee report its findings at a time certain, without reservation of issues for further consideration.

13. When a contested application is referred to an administrative law judge, or an Atomic Safety Licensing Board (the joint presiding officer) for initial decision, the application shall not be returned to the staff of the agency. All data shall be received by the presiding officer, and evaluated in the initial decision.

14. Elimate the Atomic Safety Licensing Appeal Board.

15. Provide for the applicant to prepare a draft environmental impact statement based upon its environmental report, and the comments and the data submitted regarding that report. Further provide for the agency staff to evaluate that draft, make any changes deemed desirable by the staff, and issue the resulting draft as its own. Further provide, that, if the staff does not issue a draft statement by a date certain, the draft prepared by the applicant shall be circulated as the staff's draft environmental impact statement.

16. Provide a fixed period for the completion of a final environmental impact statement, with an express grant of authority to the applicant to apply to a court for an order compelling the issuance of such a statement within a time certain. Further provide for no opposition to such an order.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before January 29, 1979.

Dated at Washington, D.C. this 24th day of November 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-33493 Filed 11-29-78; 8:45 am]

[7590-01-M]

[Docket Nos. 50-259, 50-260, and 50-296]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR-33, Amendment No. 41 to Facility Operating License No. DPR-52 and Amendment No. 18 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units Nos. 1, 2 and 3, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

Amendment No. 18 changes the Technical Specifications to incorporate the limiting conditions for operation associated with the initial 2000 megawatt days per tonne (MWD/t) fuel exposure during the second fuel cycle for Unit No. 3. The amendments also incorporate minor changes in the test setups to be used to test certain primary containment isolation and check valves.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated August 3, 1978, as supplemented by letter dated October 20, 1978, (2) Amendment No. 45 to License No. DPR-33, Amendment No. 41 to License No. DPR-52, and Amendment No. 18 to License No. DPR-68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 18th day of November 1978.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-33501 Filed 11-29-78; 8:45 am]

[7590-01-M]

[Docket Nos. STN 50-566, 50-567]

TENNESSEE VALLEY AUTHORITY (YELLOW CREEK NUCLEAR PLANT, UNITS 1 AND 2)

Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of November 9, 1978, oral argument on the appeal of the NRC staff from the February 3, 1978 partial initial decision of the Licensing Board in this construction permit proceeding will be heard at *10:00 a.m. on Wednesday, December 6, 1978*, in the Commission's public hearing room on the 5th floor of the East West Towers Building, 4350 East West Highway, Bethesda, Maryland.

For the Atomic Safety and Licensing Appeal Board.

Dated: November 22, 1978.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc. 78-33492 Filed 11-29-78; 8:45 am]

[7590-01-M]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Company (the licensee), which revised the Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee-Rowe) (the facility) located in Rowe, Franklin County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to permit operation with a modified ECCS recirculation cooling subsystem and deletes the provisions of the Technical Specifications which will not be required for operation of the facility with the modified ECCS subsystem.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 6, 1978 (Proposed Change No. 160) and a supplement thereto dated August 22, 1978, (2) Amendment No. 52 License No. DPR-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of November, 1978.

For the Nuclear Regulatory Commission.

THOMAS V. WAMBACH,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-33502 Filed 11-29-78; 8:45 am]

[4910-58-M]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-48]

SAFETY RECOMMENDATIONS AND RESPONSES

Availability

Aviation Safety Recommendations Nos. A-78-84 through A-78-89.—On March 1, 1978, a Continental Airlines DC-10 crashed off the end of runway 6R at Los Angeles International Airport after two tires suddenly blew out on the left main gear at an airspeed slightly below V_1. Although the crew promptly rejected the takeoff before V_1 was attained and used all of the available deceleration devices, the aircraft overran the end of the wet, grooved 10,285-foot runway at 68 knots.

The National Transportation Safety Board believes that this accident illustrates a number of shortcomings in the certification of aircraft and in the training of aircrews to effectively accomplish rejected takeoffs under the most critical conditions of speed, weight, runway condition, and the reasons for initiating rejected takeoffs.

In the recommendation letter forwarded November 17 to the Federal Aviation Administration, the Safety Board notes that 14 CFR Part 25, "Airworthiness Standards: Transport Category Airplanes," defines the certification requirements for normal and rejected takeoffs (RTO). The associated takeoff speeds and accelerate-stop distances are predicated on recognition of an engine failure at V_1 on a smooth, dry, and hard-surfaced runway. The Board states that these requirements do not address the accident conditions of failed tires and wet runway surfaces, each of which may add a considerable stopping distance increment to that presently required to be demonstrated during certification.

Further, the Board notes that in contrast to the dry runway RTO certification stopping requirement, 14 CFR Part 121 provides an operational safety stopping margin for landings on wet runways. A landing aircraft is required to stop on a dry runway within 60 percent of the effective runway length. The runway length used for this calculation is increased by 15 percent for wet or slippery conditions. In effect, Part 121 establishes a wet runway length that is more than twice the distance demonstrated for stopping the aircraft during dry runway certification tests. However, even though Part 121 provides for corrections to takeoff weights, distances, and flightpaths required by density altitude, wind, and runway slope during normal and rejected takeoffs, it does not similarly require corrections for the added stopping distance required by rejected takeoffs initiated by engine or tire failures on wet or slippery runways.

Accordingly, the Safety Board recommends that the Federal Aviation Administration:

Review and revise the accelerate-stop criteria required to be demonstrated during aircraft certification and used during operations to insure that they consider the effects of wet runway conditions and the most frequent and critical causes of rejected takeoffs. (A-78-84)

Evaluate, with industry, the British Civil Aviation Authority wet runway normal and rejected takeoff requirements for applicability as a U.S. standard. (A-78-85)

Revise Advisory Circular 121-14 to provide guidance on (1) programming aircraft simulators to account for the degradation of aircraft deceleration performance on wet runways during landings and rejected takeoffs and (2) installing instrumentation to enable evaluation of pilot performance during RTO's on critical length runways, particularly the response times in activating stopping devices and the level of brake application to insure that such performance is compatible with a minimum-distance stop. (A-78-86)

Insure that pilot training programs include appropriate information regarding optimum rejected takeoff procedures at maximum weights, on wet and dry runways, and at speeds at or near V_1, and for rejected takeoffs which must be initiated as a result of engine or tire failures. (A-78-87)

Encourage operators of turbine engine-powered aircraft to include in flight manuals the maximum use of aircraft deceleration devices when at RTO is initiated at or near decision speed (V_1) on wet or dry runways of critical length. (A-78-88)

Develop and publish an Advisory Circular, or include in other appropriate documents available to air carrier and other pilots, general accelerate-stop performance data for RTO's on wet runways necessitated by engine and tire failures. Emphasize the need for maximum braking procedures when an RTO is required at high gross weights and speeds. (A-78-89)

Each of the above recommendations is designated "Class II—Priority Action."

Pipeline Safety Recommendations Nos. P-78-66 and P-78-67.—At 12:02 a.m., c.d.t., on August 4, 1978, propane that had vaporized and spread widely from a ruptured 8-inch liquefied petroleum gas (LPG) pipeline owned by the MidAmerica Pipeline System (MAPCO) was ignited by an unknown source in a rural area near Donnellson, Iowa. The intense fire killed two persons and critically burned three others as they fled their homes; one of the critically burned persons later died. A farmhouse and six buildings were destroyed, and two adjacent homes were damaged.

MAPCO extends from west Texas to Conway, Kans., where it forms two branches—one extending to Minneapolis, Minn., and the other to Janesville, Wisc.—more than 5,000 miles of multiple lines from 4 inches to 12 inches in diameter. The section of pipeline involved in this accident extended from Birmingham Junction, Iowa, to Farmington, Ill.—116 miles. Although the line was not operating when it failed, it was under a static pressure of over 1,200 psig at the rupture.

Safety Board investigation of this accident is continuing; a probable cause has not yet been determined. During the public hearing which the Board recently conducted, safety problems were identified which require MAPCO's prompt attention. The company's emergency procedure plan was found to be obsolete. Lists of individuals to be contacted included people who had died. The leak was finally isolated, not due to company procedures, but because a local resident acted resourcefully. It was also noted that the volunteer fire departments responding to the emergency had never received any instruction on handling LPG emergencies; MAPCO's emergency plan calls for such instruction and education of local emergency response units.

Accordingly, the Safety Board on November 20 recommended that Mid-America Pipeline system:

Update the list of individuals who should be contacted to close specific valves in the event of an emergency and institute a procedure to assure that the list is updated at least annually. (P-78-66)

Conduct periodic training for public emergency response agencies along the route of its pipelines. As a minimum, this training should be conducted annually and be sufficient to inform emergency response agencies of the properties of the various products transported, the expected behavior of each product when released to the atmosphere, the locations of shutdown valves, the residents designated to operate each valve, and other information necessary for emergency response personnel to take effective actions and minimize losses. (P-78-67)

Each of these two recommendations is designated "Class I—Urgent Action."

Responses to Safety Recommendations

Aviation

A-78-18 through A-78-20.—Letter of November 16 from the Federal Aviation Administration responds to the Safety Board's October 5 letter commenting on FAA's response dated September 11 (see 43 FR 46089, October 5, 1978). The recommendations called for more detailed information about mountain pass routes to be depicted on sectional charts. The Board's recommendation letter cited several fatal crashes which occurred when pilots became trapped in box canyons while attempting to cross mountain passes.

The Board on October 5 was pleased to note that FAA is taking positive action to depict the exact location of the Center Basin Canyon on the San Francisco Sectional Chart indicating dangerous terrain. Also, the Board commended FAA's action in putting a special notice in the Airman's Information Manual concerning avoidance of the East/West mountain pass/route between Fresno and Independence, Calif., and noted the proposed alternate action to remove all mountain pass routes presently shown on visual navigation charts. The Board considered these actions—when completed—and the excellent educational articles on the safety aspects of mountain flying in the August 1978 issue of *FAA General Aviation News* as fulfilling the intent of recommendations A-78-18 and A-78-19. Accordingly, A-78-18 was placed in "Open-Acceptable Action" status and A-78-19 was classified as "Open-Acceptable Alternate Action," pending completion of the planned actions.

Further, the Board considered FAA's response to A-78-20 indicating that charts will be reviewed to determine the clarity of depiction of the elevation of mountain pass routes as a logical first step, and agreed that such information should be clearly depicted. However, the Board believes that clarity of depiction would achieve only part of the intent of this recommendation. Depiction of the altitude of mountain passes should be conspicuously different from critical elevation values in order to avoid confusing these two types of information. Such depiction might necessitate the use of a different type style/size/color, or some other uniquely distinguishing characteristic. In light of this amplification of the intent of A-78-20 and FAA's response, the Board on October 5 classified the Recommendation as "Open-Unacceptable Action."

FAA's November 16 response reports that a proposal has been submitted to the Interagency Air Cartographic Committee to depict mountain pass elevations on visual charts in a box located adjacent to the pass symbol. The symbol size used to depict mountain passes will be increased and the chart legend will be modified to indicate that boxed elevations represent the elevation of mountain passes. FAA believes that these actions will prevent any confusion between pass elevations and spot elevations.

With reference to recommendations A-78-18 and A-78-19, FAA reports that the November 2 San Francisco sectional chart has been amended as follows:

1. A caution note adjacent to the Center Basin Canyon is depicted.
2. The Kearsarge Pass mountain route between Fresno and Independence, Calif., has been removed.

FAA believes that recommendations A-78-18 and A-78-19 should be reclassified as closed, based on the above completed actions.

A-78-75.—Letter of November 15 from the American Association of Airport Executives provides further comments on preservation of accident debris at airports. The Association's initial comments on this recommendation were made on November 1 (43 FR 55022, November 24, 1978). The Association suggests a joint Safety Board/airport management discussion regarding the closing of a runway due to an accident occuring on or near that runway. Many airports serving scheduled air carriers are essentially one-runway airports, at least for air carrier usage, and the loss of that runway for extended periods of time often results in serious dislocations of schedules and service to the communities served by the airport.

Highway

H-78-51.—Federal Highway Administration on October 25 responded to one of two recommendations issued to the agency last July 19 following investigation of the tractor-cargo-tank semitrailer accident which occured near Beattyville, Ky., September 24, 1977. The truck, transporting 8,200 gallons of gasoline, rounded a sharp curve, crossed over a rough railroad track in front of an approaching train, slid off the road, and overturned as it struck a nearby building. The gasoline ignited and seven persons died as a result; six buildings and 16 parked cars were destroyed. The recommendation called for expediting implementation of the findings of FHWA's study, "Analysis of Cargo-Tank Integrity in Rollovers."

In response, FHWA reports that findings of this research project indicate need for:

1. Collection of cargo tank damage data.
2. Cost-effective methods of reducing leakage occurring in overturns from cargo tank openings.
3. Review and revision of in-service cargo tank requalification requirements, presently contained in the Hazardous Materials Regulations.
4. Clarification and improvement of Federal regulatory requirements governing automatic shutoff valves, excess flow valves, fitting protection, and cargo tank anchoring requirements.
5. Static and dynamic tests of cargo tanks to determine performance and failure modes in overturn accidents for various components, including the effect of abrasion.
6. Special performance and compliance requirements for cargo tank motor vehicle fuel systems.

FHWA states that Finding 1 would require specially trained accident investigation teams to conduct on-scene activities, but, because of the present workload and resource limitation, it is not possible to deploy Federal personnel to collect such data. However, FHWA is forwarding this finding to its new task force which is now studying FHWA's safety information needs.

Findings 2, 3, and 4 of the research report indicate that almost half of the spillage in overturn accidents emanates from dome covers, vents, and other fill covers. There was also a definite indication that motor carrier maintenance practices and cargo tank inspections for requalification as a specification container need further examination. FHWA says that these findings were combined into a new research project titled "Cost-Effective Methods of Reducing Leakage Occurring in Overturn of MC 306 and Similar Type Liquid-Carrying Cargo Tanks, initiated last April. Its objectives are to:

1. Assess existing specifications for manhole covers, fill covers, and other product retention items, and identify specific items which represent potential leakage points in overturn accidents.
2. Assess present maintenance practices and requalification requirements as they

affect a cargo tank's continuing product retention capability.

3. Develop engineering recommendations to improve cargo tank product retention capabilities that can be incorporated into the cargo tank specification and requalification requirements of the Federal Hazardous Materials Transportation Regulations.

4. Develop test procedures and engineering drawings for a simulator capable of testing manhole covers and other product retention devices in overturn situations.

This research will be conducted for 12 months under a contract awarded September 27. Results of this project, and other information collected and analyzed by FHWA during this period, will form the basis of a review of the regulatory requirements for the various product containment valves and devices on cargo tanks indicated in Findings 2, 3, and 4 of the Analysis of Cargo Tank Integrity in Rollovers study.

FHWA states that static and dynamic testing of cargo tanks, referenced in Finding 5, is a highly complex technical process. Such testing will be included in FHWA's future research program, planned for FY 1980; funds have been requested in FHWA Budget Estimates.

With respect to Finding 6 and the regulatory requirements covering fuel systems, FHWA reports that an analysis was conducted in 1971 and 1972 following investigation of other highway accidents involving fuel systems. That analysis revealed that fuel systems were not a major factor in accident causation and that additional studies were not needed. There is no current evidence which warrants reopening of that sudy, FHWA stated.

H-78-56.—On November 15 the Commissioner, Division of Motor Vehicles, Commonwealth of Virginia, responded to the Safety Board's October 31 letter commenting on the Commissioner's initial reponse of August 23 (see 43 FR 44577, September 28, 1978). The recommendation, resulting from investigation of the July 21, 1977, collision of a heavy dump truck with an automobile near Chantilly, Va., concerned Virginia's provision for obaining a Class A driver's license endorsement with a statement that the applicant has had at least 500 miles operating experience in the vehicle which he intends to operate.

The Safety Board's October 31 response noted that the Commissioner had undertaken a review and evaluation of criteria and techniques used in testing and licensing classed vehicle operators. The Board also expressed interest in Virginia's classed learner's permit program discussed in the Commissioner's August 23 response. However, in talking with each of the five Northern Virginia branch offices recently, the Board found three that knew of this policy, one that said it could be obtained only if the applicant was enrolled in an approved trucking school, and one that did not know of the policy at all. The Board asked how many Class A learner's permits are issued in a given year as compared to the number of Class A endorsements issued.

The Board is concerned that an applicant might obtain a classed license through a fraudulent statement of experience, as no proof of this experience is required by Virginia. The Board further believes that operating in an off-the-road work environment is vastly different from driving a loaded, heavy truck in traffic with all the hazards and distractions present in these surroundings. The 500-mile experience rule should be considered for in-traffic, on-the-road experience only. The Board's letter of last August 1 issuing the recommendation also addressed the fact that a Class A endorsement is a weight endorsement and not a vehicle-type endorsement. Many different types of heavy trucks with different operating characteristics are covered by this endorsement, the Board noted, and the Commissioner was asked to tighten this aspect of classed license endorsements.

The Commissioner's response of November 15 expressed regret for the inaccurate information received by the Safety Board during its recent investigation, and reported that a special bulletin containing requirements and procedures for issuance of classed learner's permits is being prepared for distribuiton to the Board and to all Virginia Division of Motor Vehicles branch offices to insure that information furnished is consistent with policies and procedures. The Commissioner was unable to provide the Safety Board with the statistical data requested with reference to Class A learner's permits since this information is not available through Virginia's automated system. The Commissioner reports that the National Highway Traffic Safety Administration in cooperation with the American Association of Motor Vehicle Administrators has recently published guidelines for model State classified licensing program which is now being reviewed.

Intermodal

I-78-10 through I-78-12.—Letter of November 13 from the Research and Special Programs Administration (RSPA), U.S. Department of Transportation, is in response to three of six recommendations forwarded to the Department of Transportation on June 29 following the Safety Board's 3-day en banc hearing on railroad derailments and the carriage of hazardous materials. The hearing was prompted by the increasing number of derailments nationwide, especially those involving the release of hazardous materials from DOT 112A/114A "jumbo" tank cars. Witnesses from the railroad industry, tank car builders and operators, shippers, State and local officials, firefighters, labor representatives, and the public testified at that hearing, held last April. (See 43 FR 30149, July 13, 1978.)

RSPA in response reports that in September, DOT's Hazardous Materials Transportation Task Force completed a review of the Department's hazardous materials regulatory, enforcement, training, and emergency response programs. The final report of the Task Force contained six recommendations for improvements in these program areas, and the Secretary has directed that action begin immediately to implement those recommendations. Several of the recommendations and related program initiatives are responsive to the Safety Board's recommendations I-78-10 through I-78-12, RSPA notes. The recommendations requested DOT to:

Supply the leadership to establish an adequate nationwide hazardous materials emergency response network able to meet all facets of hazardous materials emergency response needs, using existing State and private resources whenever possible. (I-78-10)

Encourage States to upgrade hazardous materials emergency handling capabilities, including State or regional one-call notification systems that will serve the needs of local public safety officials in significant hazardous materials transportation emergencies; and support development of guidelines by which States can evaluate their programs. (I-78-11)

Incorporate requirements imposed on shippers and carriers by Environmental Protection Agency Hazardous Materials regulations in 49 CFR Parts 100 through 179, to assure that these regulations are complete and do not contain contradictions or gaps. (I-78-12)

Concerning recommendation I-78-10, RSPA reports that DOT has directed the U.S. Coast Guard to develop an implementation plan for expanding the present Departmental emergency response center and integrating it with existing private industry emergency response systems. RSPA notes that Coast Guard has an excellent communications center and emergency response system which currently focus on responding to emergencies involving spills of oil or hazardous substances into or upon navigable water and adjoining shorelines. Also, private industry emergency response systems perform an important service in linking shippers and carriers when a chemical transportation emergency occurs.

Further, RSPA notes that Coast Guard's National Response Center (NRC) provides the appropriate mechanism for a "single telephone number" response system which complements rather than replaces private industry

efforts to provide information through the Chemical Transportation Emergency Center (CHEMTREC) to emergency personnel at the scene of a hazardous materials incident. Whereas notifying CHEMTREC is strictly voluntary, RSPA says that consideration will be given to mandating notification to NRC of a hazardous materials incident through regulation. Such notification is already required under the Federal Water Pollution Control Act for oil spills and hazardous substances spills in water. Through this 24-hour communications capability, DOT can help ensure that proper local authorities are notified and that industry resources are brought promptly to bear on a hazardous materials transportation incident. DOT will coordinate with the Environmental Protection Agency (EPA), the Safety Board, other Federal, State, and local government units and industry organizations involved with hazardous materials safety issues.

In response to I-78-11, RSPA says that DOT is keenly aware of the need for improving community planning and communications relating to emergency response forces so that transportation emergencies involving all types of hazardous materials can be handled more effectively. In this regard, the National Fire Protection Association (NFPA), under DOT contract, has completed the development of a 20-hour, self-standing course consisting of slides, tapes, instructor's guide and student workbooks for training of all types of emergency services personnel. The course stresses the importance of defining roles and responsibilities of the various concerned response groups and places particular emphasis on the communications and overall command aspects. Add-on sessions to provide in-depth training on particular materials are now being developed. RSPA reports that the training course is presently available to the emergency organizations and local jurisdictions providing emergency response services. To date, approximately 1,400 course units have been delivered, and NFPA has conducted a series of seminars through the country. DOT has provided a complimentary course package to each State and the District of Columbia. Through such training courses, RSPA said, DOT directly encourages States to strengthen their emergency response systems and capabilities. DOT also recognizes and encourages the development of local hazardous materials response teams and Statewide communications networks. Expansion of NRC will significantly improve communications with appropriate State and local authorities.

With reference to recommendation I-78-12, RSPA reports that DOT is working closely with EPA to ensure compatible regulations, and the two agencies have been cooperating in this regard for several years. The agencies have together issued notices pertaining to hazardous wastes and have held joint hearings on the proposals. The importance of complementary regulations under separate but related statutes is clearly recognized. RSPA notes that one of the recommendations arising from the Task Force study requires RSPA/MTB to ensure that DOT continues its efforts to make EPA's lists of hazardous substances and wastes and DOT's classification of hazardous materials as compatible as practicable.

RSPA states that at the request of EPA, DOT's initial efforts were in the area of regulating hazardous wastes. Completion of that effort will expand DOT requirements to cover hazardous waste transporters in a manner to mesh with and support EPA's standards for generators and storage, treatment, or disposal sites. Submitted with RSPA's letter are copies of two notices of proposed rulemaking published by the Materials Transportation Bureau in the FEDERAL REGISTER under Dockets HM-145 and HM-145A, the latter explaining DOT's current position concerning regulation of the transportation of hazardous wastes. DOT and EPA are accelerating joint efforts to publish a notice pertaining to hazardous substances subject to section 311 of the Federal Water Pollution Control Act. Proposals in this area will be dovetailed with those made for hazardous wastes, RSPA notes. Rulemaking notices will be issued in early 1979.

I-78-13.—The Safety Board on November 2 inquired of the Environmental Protection Agency as to the status of this recommendation, also issued last June 29 in connection with the Board's hearing on railroad derailments and the carriage of hazardous materials. The recommendation asked EPA to assist DOT in assuring that hazardous materials regulations issued by DOT are in agreement with EPA's hazardous materials regulations.

EPA on November 9 indicated that the original recommendation letter had apparently been lost in the mail but that a copy has now been submitted to the Deputy Assistant Administrator for Program Integration and Information in the Office of Toxic Substances for review and, in cooperation with other EPA offices concerned with the Transportation of hazardous materials, for preparation of a reply.

NOTE: The above notice reports Safety Board recommendation letters recently released and responses received. Single copies of these letters in their entirety are available without charge. All requests for copies must be in writing, identified by recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

NOVEMBER 27, 1978.

[FR Doc. 78-33535 Filed 11-29-78; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

OMB CIRCULAR NO. A-102

Exemption From Financial Reporting Provisions

This notice offers interested parties an opportunity to comment on a Department of Transportation request for an exemption from the financial reporting provisions contained in Attachment H to OMB Circular No. A-102. The exception would cover programs administered by the Federal Highway Administration and the National Highway Traffic Safety Administration's Community Highway Safety Program.

The Circular provides for two standard billing forms, one for construction projects, the other for nonconstruction projects. The exception, if approved, would authorize DOT to require grantees to submit interim summary grant billings on a DOT voucher form supported by a computer listing of project amounts. Final billings would also be submitted on a DOT summary voucher form supported by computer listings of detailed costs incurred under each project. The request states that computerized billing systems are now implemented in all States, and that, therefore, DOT would be getting the same information the grantee uses for its day-to-day management needs.

The Office of Management and Budget has, as yet, made no decisions with respect to the proposed exception. All interested parties are encouraged to make their views known. Comments should be submitted to the Financial Management Branch, Budget Review Division, Office of Management and Budget, Washington, D.C. 20503. All comments should be received on or before December 31, 1978. For further information concerning this matter, please call John Lordan at (202) 395-6823.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc. 78-33487 Filed 11-29-78; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-15342; File No. SR-BSPS-78-4]

BRADFORD SECURITIES PROCESSING SERVICES, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 6, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The proposed rule change is the opening of branch facilities in five cities as follows: Cleveland, Ohio; Minneapolis, Minnesota; Philadelphia, Pennsylvania; Atlanta, Georgia; and Milwaukee, Wisconsin. These branch offices are similar to the branch offices approved by the Commission in Rel. No. 34-12915 dated October 12, 1976, Rel. No. 34-13511 dated May 6, 1977, and Rel. No. 13876 dated August 19, 1977.

The basis and purpose of the foregoing proposed rule change are as follows:

The current facilities in these cities are operated and managed by Bradford National Clearing Corporation ("BNCC") as facilities manager for corporation. BNCC has given notice of its intention to cease acting as facilities manager for the corporation. This rule change changes the nature of the facilities in these cities to branch offices of the corporation. Because of the importance of transactions effected by brokers, dealers and others with offices in these areas, it is important that the corporation continue to have facilities there to render its services. Therefore, the purpose of this rule change is to insure present and potential customers timely clearance of securities transactions in these locations.

These facilities will help to provide for the continued prompt and accurate clearance of security transactions in the regional locations. It will allow for any participant in the corporation to utilize these facilities for the prompt and accurate clearance of its securities transactions.

Verbal comments received from our existing customers and potential customers indicate a continued need for our services in these cities.

BSPS is of the opinion that opening these branch offices will not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before, December 21, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 17, 1978.

[FR Doc. 78-33517 Filed 11-29-78; 8:45 am]

[8010-01-M]

[Release No. 20782; 70-6221]

LOWELL GAS CO. AND CAPE COD GAS CO.

Proposed Sale of First Mortgage Bonds to Institutional Investors Pursuant to a Private Offering; Request for Exemption From Competitive Bidding

NOVEMBER 17, 1978.

NOTICE IS HEREBY GIVEN that Lowell Gas Company ("Lowell"), 95 East Merrimack Street, Lowell, Massachusetts 01853, and Cape Cod Gas Company ("Cape Cod"), P.O. Box 1360, Hyannis, Massachusetts 02601, gas utility subsidiaries of Colonial Gas Energy System ("Colonial"), a registered holding company, have filed a joint-declaration and an amendment thereto pursuant to Sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 50(a)(5) promulgated thereunder regarding the private placement of $4,900,000 of Lowell's first mortgage bonds and $3,150,000 of Cape Cod's first morgage bonds with institutional lenders at an interest rate of 11% per annum. All interested persons are referred to the declaration for a complete statement of the proposed transactions.

On October 7, 1977, Colonial filed an application for exemption under Section 3(a)(1) of the Act. (File No. 31-763). Its application for exemption is pending. Pursuant to a Stipulation in that proceeding dated January 26, 1978, entered into by Colonial and the division of Corporate Regulation pending the development of a plan of financial simplification or recapitalization by Colonial appropriate to the requirements for exemption under Section 3(a)(1), Colonial has registered as a public utility holding company under Section 5(a) for the limited purpose of complying with the provisions of Sections 6, 7, and 12(b) of the Act.

In a separate proceeding (File No. 70-6177), Colonial is seeking authorization to issue and sell cumulative convertible preferred stock ("Preferred Stock") through a negotiated sale to underwriters who will make a public offering thereof. The aggregate public offering price will be approximately $5,550,000. Colonial proposes to use the net proceeds derived from the sale of the Preferred Stock to purchase common stock of its public utility subsidiaries, Lowell and Cape Cod, for an aggregate purchase price of approximately $3,100,000 and to redeem 212,500 outstanding shares of its existing preferred stock at a redemption price of $1,700,000 plus an amount equal to the dividends accrued thereon. Any balance of such net proceeds will be added to Colonial's working capital. Lowell and Cape Cod are also seeking authorization in that filing to issue and sell such common stock to Colonial. They contemplate using the proceeds from the sales of the subsidiary common stock and $7,650,000 of the proceeds from the sale of proposed bond issues, a total of $10,750,000, to reduce subsidiary bank debt from the present $18,035,000 to approximately $7,285,000. The proposed sale of bonds is dependent upon the additional $3,100,000 investment in the subsidiary common stock.

The gas subsidiaries' capital structure, as of September 30, 1978, and pro forma, is shown in the following table.

(000's omitted)

	Lowell				Cape Cod			
	Actual		Pro Forma		Actual		Pro Forma	
	Amount	%	Amount	%	Amount	%	Amount	%
Long-term debt*	$20,833	42.10	$25,733	52.00	$12,151	42.98	$14,901	52.70
Notes payable Banks	11,210	22.65	6,310	12.75	6,825	24.14	4,075	14.42
Total debt	$32,043	64.75	$32,043	64.75	$18,976	67.12	$18,976	67.12
Preferred stock	4,554	9.20	4,554	9.20	1,560	5.52	1,560	5.52
Common equity	12,888	26.05	12,888	26.05	7,734	27.36	7,734	27.36
Total Capitalization	$49,485	100.00	$49,485	100.00	$28,270	100.00	$28,270	100.00

* Lowell and Cape Cod's existing mortgage bonds are held by institutional investors.

Almost all of the short-term debt of Lowell and Cape Cod has been advanced under revolving lines of credit pursuant to separate credit agreements (collectively, the "Credit Agreements") dated January 1, 1976, as amended, with Chase Manhattan Bank (N.A.), Union National Bank, Shawmut Bank of Boston, N.A., State Street Bank & Trust Company, and Bay Bank Middlesex, N.A. Under the Credit Agreements, the maximum principal amounts of loans which may be outstanding at any one time shall not exceed $11,800,000 in the case of Lowell and $7,250,000 in the case of Cape Cod. The full amounts committed thereunder were borrowed and the loans were to mature June 30, 1978.

Lowell also owed $1,750,000 of the same maturity under a $3,500,00 supplement to the bank credit agreement. Lowell and Cape Cod repaid $1,750,000 and $250,000, respectively, on June 30, 1978. Pursuant to authorization of the Commission in a separate proceeding (HCAR No. 20612), Lowell and Cape Cod amended the Credit Agreements to extend their term to June 30, 1980, and to provide for loans in the maximum aggregate principal amount of $11,800,000 for Lowell and $7,000,000 for Cape Cod. The lines of credit under the Credit Agreements provide a revolving fund for seasonal gas storage needs plus interim construction credit pending periodic permanent financing.

Each company's bonds will be issued under that company's indenture of mortgage and deed of trust, as amended and supplemented, and will be of equal rank with the outstanding bonds. The bonds will mature December, 1993, and will be subject to sinking funds, commencing December, 1981, which will result in the payment by Lowell and Cape Cod of $4,361,000 and $2,802,000, respectively, on their bonds prior to maturity. Lowell and Cape Cod may, at their option, retire an additional amount of their respective bonds at par in each of the years of the mandatory sinking funds up to an aggregate amount of 25 percent of the issue. This right will be non-cumulative and bonds redeemed through such optional prepayment at par will be applied against mandatory sinking fund payment obligations in the inverse order of maturity. The bonds will have an average life of ten years and will not be redeemable for five years nor refundable for an additional five years in anticipation of borrowings having a lower effective interest cost or a shorter weighted average life than that remaining on the bonds.

Lowell and Cape Cod propose to sell the indicated principal amounts of their first mortgage bonds to the following institutional investors on two closing dates:

	Lowell		Cape Cod	
	First Closing	Second Closing	First Closing	Second Closing
New England Mutual Life Insurance Company	$2,500,000	$500,000	$1,650,000	$350,000
Teachers Insurance & Annuity Association of America - College Retirement Equities Fund	1,150,000	200,000	700,000	200,000
Berkshire Life Insurance Company	550,000	-	250,000	-
	$4,200,000	$700,000	$2,600,000	$550,000

The first closing will be on or about December 15, 1978. The second closing is expected to be in February, 1979. Delivery of $700,000 in aggregate principal amount of Lowell's bonds and $550,000 in aggregate principal amount of Cape Cod's bonds, respectively, will be deferred until the second closing, to permit Lowell and Cape Cod to comply with debt-equity ratio limitation provisions of their respective indentures. Gas company earnings include a seasonal factor and are lower in those quarters when the seasonal demand for gas is low and increase during the winter heating season as the gas is sold. It is contemplated that the anticipated increased earnings in the peak winter months will result in increased retained earnings. Deferral of delivery of a portion of the bonds to a date when retained earnings are expected to be higher would enable the companies to comply with the debt-equity ratio limitation provisions of their indentures.

Cape Cod proposes to use $400,000 of the proceeds from the sale of its bonds to refund its outstanding Series J First Mortgage Bonds and the remaining $2,750,000 of proceeds will be used to reduce its bank debt. Lowell will use the proceeds from the sale of its bonds to reduce its bank debt. The proposed bond issues will make available a total of $7,650,000 to be applied toward the reduction of subsidiary bank debt. The terms of the bonds were negotiated in the absence of Commission authorization to enter into such negotiations. Lowell and Cape Cod are requesing an exemption from competitive bidding under Rule 50(a)(5) alleging that compliance with Rule 50(b) is not appropriate to aid the Commission to determine whether the fees, commissions, or other remuneration to be paid directly or indirectly in connection with the issue, sale, or distribution of such securities are reasonable, or whether any term or condition of such issue or sale is detrimental to the public interest or the interest of investors or consumers. The companies state that no fees, commissions, or remunerations are to be paid in connection with the proposed transactions, except filing fees and legal fees of the companies and the insurance companies which will be filed by further amendment. They further state that a public offering is inappropriate because the size of the issues, the size of the companies, and the fact that they are relatively unknown in the security markets tend to make a public sale expensive and difficult. The companies discussed the proposed bond issues with seven insurance companies, including the three insurance companies named above who agreed to purchase the bonds.

The other four insurance companies declined to make an offer. Three investment banking firms were also contacted, of which one made an offer to place the bonds on comparable terms. The high commission requested, however, made that proposal more costly. The companies state that the high costs of a public offering and the lack of interest by many underwriters and investors in small issues and small companies makes the competitive bidding requirements of Rule 50(b) inappropriate. The Massachusetts Department of Public Utilities has jurisdiction over the proposed issue and sale of bonds by Lowell and Cape Cod. No state or federal commission, other than this Commission, has jurisdiction over such proposed issue and sale of bonds.

Notice is further given that any interested person may, not later than December 11, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-33514 Filed 11-29-78; 8:45 am]

[8010-011-M]

[Release No. 20788; 70-5936]

MIDDLE SOUTH UTILITIES, INC. AND ARKANSAS-MISSOURI POWER CO.

Second Post-Effective Amendment Regarding Issuance and Sale of Short-Term Notes by Subsidiary Company and Acquisition Thereof by Holding Company

NOVEMBER 22, 1978.

NOTICE IS HEREBY GIVEN that Arkansas-Missouri Power Company ("Ark-Mo"), 225 Baronne Street, New Orleans, Louisiana 70112, a subsidiary company of Middle South Utilities, Inc. ("Middle South"), 405 West Park Street, Blytheville, Arkansas 72315, a registered holding company, and Middle South have filed with this Commission a second post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders in this proceeding dated December 28, 1976, and December 29, 1977 (HCAR Nos. 19826 and 20349), Ark-Mo was authorized to issue and sell to Middle South from time to time through December 31, 1978, and Middle South was authorized to acquire, up to $2,100,000 of Ark-Mo's unsecured short-term promissory notes of a maturity of not more than twelve months. Presently, $2,100,000 of such notes are outstanding, with a maturity of December 31, 1978.

Ark-Mo now proposes to extend such $2,100,000 of short-term borrowings for one year. The proposed notes will be in the form of unsecured promissory notes payable not more than twelve months from the date of issuance (and in any event maturing not later than December 31, 1979) and will bear interest at a rate per annum equivalent to ¼ of 1% above the commercial loan rate in effect at Manufacturers Hanover Trust Company from time to time. The notes will, at the option of Ark-Mo, be prepayable in whole or in part at any time without premium or penalty. The net proceeds to be received by Ark-Mo from the issuance and sale of the notes proposed will be applied to the payment at maturity of Ark-Mo's presently outstanding borrowings from Middle South. It is stated that Ark-Mo presently intends to repay the notes from the proceeds of permanent financing or from funds otherwise available to Ark-Mo from its operations.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions and that no special or separate expenses are expected to be incurred.

Notice is further given that any interested person may, not later than December 18, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-33513 Filed 11-29-78; 8:45 am]

[8010-01-M]

[Release No. 20781; 70-6080]

MONONGAHELA POWER CO., ET AL.

Post-Effective Amendment Relating to Proposed Issuance and Sale of Short-Term Notes to Banks and to Commercial Paper Dealers

NOVEMBER 17, 1978.

In the Matter of Monongahela Power Company, 1310 Fairmont Avenue, Fairmont, West Virginia 26554; THE POTOMAC EDISON COMPANY, Downsville Pike, Hagerstown, Maryland 21740; THE WEST PENN POWER COMPANY, 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601.

Notice is hereby given that Monongahela Power Company ("Monongahela"), the Potomac Edison Company ("Potomac"), and West Penn Power

Company ("West Penn"), each a wholly-owned electric utility subsidiary of Allegheny Power System, Inc. ("Allegheny"), a registered holding company, have filed a post-effective amendment to their application in this proceeding pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 50(a)(5) promulgated thereunder regarding the proposed transactions. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding dated December 28, 1977 (HCAR No. 20343), the above subsidiaries of Allegheny were authorized to borrow funds during the period ending June 30, 1979, through the issuance and sale of short-term notes to banks and commercial paper to dealers in commercial paper in an aggregate amount not to exceed $50,000,000 in the case of Monongahela, $48,000,000 in the case of Potomac, and $50,000,000 in the case of West Penn. Jurisdiction was reserved with respect to that portion of the borrowings requested by West Penn in excess of $50,000,000.

Applicants now seek authorization to increase the amount of such notes and commercial paper which may be issued and sold by Monongahela and Potomac, respectively. Authorization is being sought to permit Monongahela and Potomac to issue up to $52,000,000 and $50,000,000, respectively, of short-term notes and commercial paper outstanding at any one time.

The banks from which such borrowings are effected and the maximum amount of the borrowings to be outstanding from each bank remain as follows:

Citibank, N.A	$40,000,000
The Chemical Bank	30,000,000
Mellon Bank, N.A	55,000,000
Pittsburgh National Bank	7,500,000,
Manufacturers Hanover Trust Co	60,000,000
Irving Trust	5,000,000
Chase Manhattan Bank, N.A	2,500,000
	$200,000,000

The maximum amount of such borrowings at any one time outstanding would not, when taken together with any commercial paper than outstanding, be in excess of $52 million in the case of Monongahela, $50 million in the case of West Penn, and $50 million in the case of Potomac.

It is stated that the proposed increase in short-term financings has been necessitated by cash outlays greater than anticipated due to delays in obtaining rate relief requested.

In all other respects the proposed transactions remain the same. It is stated that the State Corporation Commission of Virginia has jurisdiction over the issuance and sale by Potomac of the short-term debt. It is further stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 12, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and issues of fact or law raised by said post-effective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application as now amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-33515 Filed 11-29-78; 8:45 am]

[8010-01-M]

[File No. 500-1]

POWER-TRAIN, INC.

Suspension of Trading

NOVEMBER 20, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Power-Train, Inc., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:30 a.m. on November 20, 1978 through November 29, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-33516 Filed 11-29-78; 8:45 am]

[8010-01-M]

PRIVACY ACT OF 1974

Modification of an Existing System of Records

AGENCY: Securities and Exchange Commission.

ACTION: Notification of modification of system of records No. SEC-4, Acquisition, Tender Offer, and Solicitation Records Filed under the Securities Exchange Act of 1934-SEC.

SUMMARY: The Securities and Exchange Commission proposes to modify an existing system of records that was previously identified in the notices published in the FEDERAL REGISTER, 41, FR 41553-41554, on September 22, 1976, as system No. SEC-4 Acquisition, Tender Offer, and Solicitation Records Filed under the Securities Exchange Act of 1934. This proposed modification is being published for public comment.

DATES: This amendment will become effective on January 2, 1979, unless comments are received on or before that date that would result in a contrary or changed determination.

ADDRESS: Comments on the modification to this system of records should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 N. Capitol Street, Washington, D.C. 20549. Any comments received will be available for public inspection and copying in the Commission's Public Reference Section, Room 6101, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Julie Allecta, Office of the General Counsel, Securities and Exchange Commission, 500 N. Capitol Street, Washington, D.C., 202-755-1335.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission proposes to modify the type of information maintained in this system of records to include information on beneficial ownership that may be required to be filed with the Commission pursuant to section 13(g) of the Securities Exchange Act of 1934, as amended in 1977, 15 U.S.C. 78m(g). The Commission further proposes to enter into a computer system certain information that is contained in this system of records, and the Commission proposes to amend its schedules 13D, 13G and

14D-1 to facilitate such computerization. This modification will supplement and enhance the Commission's ability to analyze, compile and retrieve information, and it will enable the Commission to form a data basis with which the Commission can fulfill its obligations under section 13(g)(5) of the Securities Exchange Act of 1934, as amended 1977, 15 U.S.C. 78m(g)(A) to the effect that:

The Commission shall take such steps as it deems necessary or appropriate in the public interest or for the protection of investors (A) to achieve centralized reporting of information regarding ownership, (B) to avoid unnecessarily duplicative reporting by and minimize the compliance burden on persons required to report, and (C) to tabulate and promptly make available the information contained in any report filed pursuant to this subsection in a manner which will, in the view of the Commission, maximize the usefulness of the information to other Federal and State agencies and the public.

Under the proposed modification, access to information in this system will be expanded through the development of computer programs designed to compile and analyze information contained in this system of records into two basic tabulations, one being classified by the issuer of the security owned, acquired, or solicited, the other being classified by the name of the reporting person. The Commission anticipates that additional programs may be developed to compile and analyze this data by other classifications. The proposed modification will enable the public to take advantage of this expanded access.

SEC-4 (as proposed)

System name:

Beneficial Ownership, Acquisition, Tender Offer and Solicitation Records Filed under the Securities Exchange Act of 1934-SEC.

System location:

Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system:

Records contain information on certain persons who own beneficially more than 5 percent of any equity security of a class specified in Section 13(d)(1) of the Securities Exchange of Act 1934 and on persons making a tender offer to acquire more than 5 percent of such equity securities.

Categories of records in the system:

The records contain the initial information and changes regarding beneficial ownership of the equity securities of certain issuers, as well as information on tender offers. The records also contain other relevant material informations such as the individual beneficial owner's name, citizenship, relationship to the issuer, role in transaction, and social security or tax identification number (when provided on a voluntary basis).

Authority for maintenance of the system:

Title 15, United States Code, Sections 78m and 78n.

Routine uses of records maintained in the system including categories of users and the purposes of such uses:

These records and the information contained in these records may be used for the following purposes:

1. By the SEC staff to verify information contained in other filings and in preparing no-action letters.

2. To respond to requests for information from members of Congress and the public concerning beneficial owners, tender offers, acquisitions, or solicitations of securities.

3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

6. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

7. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

10. To prepare, on a periodic basis, for public inspection tabulations of beneficial ownership, classfied variously by issuer, reporting persons, and in any other manner deemed necessary and appropriate. Tabulations of various types may also be prepared from time to time upon specific requests therefor.

11. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including, but not limited to, the Board of Governors of the Federal Reserve System, and the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agenices or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as de-

fined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official designated functions.

Records or information in the records in this system may be disclosed as routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.735-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressonal office from the record of an individual in respone to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

Records are maintained in hard copy form and on magnetic tape and cards.

Retrievability:

Hard copy records are accessed by name and/or file number assigned to issuer. Computer tabulations derived from data contained in the hard copy records are accessed by issuer or by name of reporting individual; more specialized methods of accessing records may be developed upon request.

Safeguard:

All records contain public information and are available through Public Reference Section. Records are maintained in central records office to which access is limited to authorized personnel. That office is locked at night and the building where the records are maintained has a 24 hour security guard.

Retention and disposal:

While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address:

Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C. or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures:

See Record access procedures above.

Record source categories:

Information is from public reports that are required by statute to be filed with the Commission.

For the Commission, by the Office of General Counsel, pursuant to delegated authority.

NOVEMBER 21, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-33508 Filed 11-29-78; 8:45 am]

[4710-07-M]

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/133]

SHIPPING COORDINATING COMMITTEE—SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The Working Group on Standards of Training and Watchkeeping of the Shipping Coordinating Committee's Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting at 9:30 a.m. on Tuesday, December 19, 1978 in Room 8334 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

The purpose of the meeting will be to discuss the future work program of the IMCA Subcommittee on Standards of Training and Watchkeeping in preparation for the meeting of the Subcommittee commencing January 22, 1979 in London, England.

Requests for further information should be directed to Captain D.E. Hand, U.S. Coast Guard (G-MVP/82), Washington, D.C. 20590, telephone number (202) 426-1500.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

NOVEMBER 21, 1978.

[FR Doc. 78-33483 Filed 11-29-78; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD (78-136)]

VAPOR CONTROL SEMINAR

Location Change

The Vapor Control Seminar (43 FR 48752 dated 19 October 1978) was scheduled to be held in Room 8236, NASSIF Building, 400 Seventh Street, S.W., Washington, D.C. 20590. This has been changed. The new site for the seminar is the 7th floor auditorium, Internal Revenue Service Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. The time and date of the seminar, 9 a.m. December 6, 1978, have not been changed.

Issued in Washington, D.C., on November 27, 1978.

W. D. MARKLE, Jr.,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 78-33532 Filed 11-29-78; 8:45 am]

[4910-06-M]

Federal Railroad Administration

[FRA General Docket No. H-75-4]

LOCOMOTIVE INSPECTION TEST PROGRAM

Supplemental Report and Order

The Federal Railroad Administration (FRA) previously granted a waiver of compliance to the Port Authority Trans Hudson Corporation (PATH) to permit the initiation of a limited test program concerning the utilization of different inspection requirements for certain types of electrically powered multiple unit passenger cars. The report and order granting the waiver and describing the test program was published in the FEDERAL REGISTER on April 21, 1976 (41 FR 16680).

In granting this waiver the Railroad Safety Board (Board) of the FRA, which has been delegated the authority to determine whether granting such a waiver is appropriate, established terms and conditions under which that test program was to be conducted. The terms and conditions established by the Board basically provided for a thirty-six (36) month test effort broken into three phrases which allowed PATH to make gradual incremental increases in the time interval required for the performance of the inspection activity required by 49 CFR 230.451(a).

The test program has now entered its third and final phase during which the interval for conducting the required inspections has been increased to 60 days. This final phase was effectively initiated on August 1, 1978.

In reviewing the test data obtained to date, the Board has determined that it is appropriate to modify one of the conditions established in the initial report and order. That condition involves the maximum duration of the testing effort which by the terms of the initial report and order is limited to only a thirty-six month test program.

The modification, which the Board believes is appropriate, will permit the testing effort to be continued for an additional six month period. Such increased duration will permit the FRA to obtain operational data for an entire calendar year while the equipment is being operated with a sixty (60) day inspection interval. As a consequence, the data being obtained will reflect complete seasonal weather changes and will assist in making a comparative anaylsis of the data obtained during phase two of the test program. Finally, the increased duration will provide the Board with a period of time to evaluate the test data in terms of possible future courses of action regarding the appropriate inspection period interval for self-propelled, electrically powered, multiple unit passenger cars used in rapid transit type operations.

Consequently, the Board hereby modifies its initial report and order and authorizes the Associate Administrator for Safety to permit the test to be conducted for a period not to exceed forty-two (42) months.

(Sec. 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR § 1.49(n).)

Issued in Washington, D.C. on November 22, 1978.

ROBERT H. WRIGHT,
Acting Chairman, Railroad Safety Board.

[FR Doc. 78-33518 Filed 11-29-78; 8:45 am]

[4910-06-M]

NEWBURGH & SOUTH SHORE RAILWAY CO., ET AL.

Petitions for Waiver of Rules Requiring Rear End Marking Devices; Notice of Public Hearing

The Federal Railroad Administration (FRA), as required by 45 U.S.C. 431(c) and in accordance with 49 CFR 211.41, issued a public notice that several railroads had submitted waiver petitions to FRA requesting temporary or permanent waivers of compliance with 49 CFR Part 221 (Rear End Marking Devices—Passenger Commuter and Freight Trains). That public notice was published in the FEDERAL REGISTER on August 15, 1978 (43 FR 36153).

In that public notice FRA advised that waiver petitions had been filed by the following railroads: (1) Newburgh and South Shore Railway Company (FRA Waiver Docket RSRM-78-1); (2) Birmingham Southern Railroad (FRA Waiver Docket RSRM-78-2); (3) Chessie System (FRA Waiver Docket RSRM-78-3); (4) Illinois Central Gulf Railroad (FRA Waiver Docket RSRM-78-4); (5) Chicago, South Shore and South Bend Railroad (FRA Waiver Docket RSRM-78-5); and (6) Southern Railway System (FRA Waiver Docket RSRM-78-6). The precise nature of these waiver requests is described in the public notice which also contained a brief discussion of the facts involved in each proceeding.

FRA invited interested persons to participate in these proceedings by submitting written data, views or comments. The notice also indicated that a public hearing would be provided in connection with these waiver petitions if requested by an interested person. FRA has received such a request and consequently is scheduling a public hearing prior to taking action on these waiver petitions.

The Railroad Safety Board (Board) of the FRA, which has been delegated the responsibility for determining whether to grant such waivers of compliance, will conduct the requested public hearing on December 12, 1978. The public hearing will be held in Room 3201 of the Trans Point Building, located at 2100 Second Street in Washington, D.C. and will begin at 10:00 a.m.

The hearing will be an informal one and will be conducted by a representative designated by the Board. The hearing will be conducted in accordance with the provisions of § 211.25 of the FRA Rules of Practice (49 CFR 211.25) and will not be an adversary proceeding. The Board's representative will make an opening statement outlining the scope of the hearing and will announce any additional procedures, if necessary, at the start of the hearing.

(Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431); § 1.49(n) of the regulation of the Office of the Secretary, 49 CFR 1.49(n).)

Issued in Washington, D.C. on November 22, 1978.

ROBERT H. WRIGHT,
Acting Chairman, Railroad Safety Board.

[FR Doc. 78-33521 Filed 11-29-78; 8:45 am]

[4910-06-M]

[FRA Waiver Petition Docket HS-78-11]

VERMONT RAILWAY CO.

Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and § 211.9, notice is hereby given that the Vermont Railway Company (VTR) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the VTR be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains

a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The VTR seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-78-11, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. 20590. Communications received before December 29, 1978 will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 4406, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. 20590.

(Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64(a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d).)

Issued in Washington, D.C. on November 20, 1978.

ROBERT H. WRIGHT,
Acting Chairman,
Railroad Safety Board.

[FR Doc. 78-33519 Filed 11-29-78; 8:45 am]

[4910-59-M]

National Highway Traffic Safety Administration

[Docket No. IP78-7; Notice 2]

GENERAL MOTORS CORP.

Petition for Determination of Inconsequential Noncompliance

This notice terminates the docket on the petition by General Motors Corp. of Warren, Michigan, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.301-75, *Fuel System Integrity.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety. The docket is terminated because the petitioner has decided to conduct a notification and remedy campaign covering the vehicles in issue.

Notice of the petition was published on June 12, 1978, and an opportunity afforded for comment (43 FR 25405).

On May 4, 1978, NHTSA informed GM, pursuant to section 152(a) of the Act, that it had made an initial determination that the 1977 Chevette failed to conform to fuel system integrity requirements, and that it had scheduled a public proceeding on this matter. Within 30 days of its receipt of notice GM filed a petition for inconsequentiality under the provision of 49 CFR 555.4(c).

NHTSA's initial determination affected the entire 1977 model run of approximately 136,000 vehicles. GM stated the problem accurately in its petition: "It is our understanding that the NHTSA concern is possible fuel spillage which might occur as a result of contact of the Chevette pan hard rod retainer with the fuel tank during the 30 m.p.h. rear moving barrier test prescribed by the standard." GM's petition criticized NHTSA's initial test results and introduced its own results as evidence of compliance with the standard. However, subsequent NHTSA tests supported the initial determination and on November 6, 1978, GM announced that it was recalling all 1976 and 1977 Chevettes to remedy the fuel system problem. This action by GM has mooted a decision on its petition to be relieved of the obligation to notify and remedy the noncompliance with Standard No. 301-75.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on November 22, 1978.

MICHAEL M. FINKELSTEIN,
Associate Administrator for Rulemaking.

[FR Doc. 78-33484 Filed 11-29-78; 8:45 am]

[4910-59-M]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE, TASK FORCE ON MOTORCYCLE-MOPEDS

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 National Highway Safety Advisory Committee's Task Force on Motorcycle-Mopeds. This meeting will be held from 2:00 to 5:00 p.m. on January 11, 1979 in Room 2230, DOT Headquarters Building, 400 Seventh Street, S.W., Washington, D.C.

The Task Force will hear a review of the status of the Motorcycle Accident Factors Study being carried out by the University of Southern California for the U.S. Department of Transportation. Professor Hugh H. Hurt, principal investigator of the study, will present his preliminary findings. Professor Hurt has analyzed detailed data of 900 motorcycle accidents. The goal of the study is to determine the causes of motorcycle accidents, the causes of injuries, the severity of the injuries and effective methods of reducing accidents, deaths and injuries. The study is scheduled for completion next fall.

Following the review by Professor Hurt, the Task Force, whose Chairperson is Dr. Basil W. Scott, New York Deputy Commissioner for Vocational Rehabilitation, will review the status of Moped Safety and Safety Regulations.

The public is invited to attend and is encouraged to participate in the question and answer period following Dr. Hurt's presentation. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Any member of the public may present a written statement to the Committee at any time.

This meeting is subject to the approval of the appropriate DOT officials. Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, S.W., Washington, D.C., 20590, telephone 202-426-2872.

Issued on November 22, 1978.

WM. H. MARSH,
Executive Secretary.

[FR Doc. 78-33262 Filed 11-29-78; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Notice No. 746]

ASSIGNMENT OF HEARINGS

NOVEMBER 27, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as

promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 123048 (Sub-No. 395), Diamond Transportation System, Inc., No. MC 114211 (Sub-No. 367F), Warren Transport, Inc. and No. MC 119641 (Sub-No. 150F), Ringle Express, Inc., now assigned for hearing on December 5, 1978, at Washington, D.C., are postponed to December 12, 1978, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 96324 (Sub-No. 25F), General Delivery, Inc., now assigned January 10, 1979, at Pittsburgh, Pennsylvania is postponed indefinitely.

No. MC 113678 (Sub-No. 733F), Curtis, Inc., now assigned for December 4, 1978, at San Francisco, California is canceled and application dismissed.

No. MC 3062 (Sub-No. 41), Inman Freight System, Inc., now being assigned for continued hearing on December 20, 1978, at the Offices of Interstate Commerce Commission, Washington, D.C.

No. MC 144041 (Sub-No. 15F), Downs Transportation Co., Inc., now being assigned for continuing hearing on January 11, 1979, at the Offices of Interstate Commerce Commission, Washington, D.C.

No. MC 144821F, Freedom Freightways Inc., now being assigned for Prehearing Conference on January 15, 1979, at the Offices of Interstate Commerce Commission, Washington, D.C.

No. MC-F 13656, W. J. Digby—Purchase—Cycles Limited, now being assigned for hearing on January 17, 1979, at the Offices of Interstate Commerce Commission, Washington, D.C.

No. MC 30844 (Sub-No. 615F), Kroblin Refrigerated Express, Inc., now being assigned for hearing on January 23, 1979, at the Offices of Interstate Commerce Commission, Washington, D.C.

No. MC 135237 (Sub-No. 3F), East Penn Trucking Company, now being assigned for hearing on January 24, 1979, at the Offices of Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-33579 Filed 11-29-78; 8:45 am]

[7035-01-M]

[Finance Docket No. 28640 (Sub-No. 1)]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO. REORGANIZATION

Application of Gary E. Stoefen, et al. for Authorization of Bondholders Protective Committee

Gary E. Stoefen, Lance, S. Nelson and R. Jerry Scheel Constituting the Protective Committee for First Mortgage Bondholders of Southern Indiana Railway Company, represented by Jesse J. Holland, 208 South LaSalle Street, Chicago, IL, 60604 hereby give notice that on the 11th day of September, 1978, they filed with the Interstate Commerce Commission at Washington, D.C. an application under section 77(p) of the Bankruptcy Act requesting authority to solicit from holders of First Mortgage Bonds of the Southern Indiana Railway Company due January 1, 1994, proxies or authorizations to represent and act for such bondholders in the proceedings for the reorganization of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

The above-named members of the Committee represent, respectively, three institutional investors who sponsored formation of the Committee-Modern Woodmen of American, Central Life Assurance Company and Aid Association for Lutherns. The combined principal amount of the First Mortgage Bonds held by the three institutional investors is $1,828,000 or 33.44% of the $5,466,000 total principal amount outstanding.

Interested persons may participate as parties in the hearing to be held before the Commission required by section 77(p) of the Bankruptcy Act. In order to be considered a party, a written statement should be submitted which shall include the person's position, e.g. party protestant, or party in support, of the requested authorization, the interest of the person in the reorganization proceeding, and a request for oral hearing if one is desired. Such submissions shall indicate the proceeding designation Finance Docket No. 28640 (Sub-No. 1) and an original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C., 20423, not later than 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Persons submitting written statements to the Commission shall, at the same time serve copies of such statements upon the applicant and upon the Clerk, United States District Court for the Northern District of Illinois, Eastern Division, 209 South Dearborn Street, Chicago, IL 60606.

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

[FR Doc. 78-33581 Filed 11-29-78; 8:45 am]

[1505-01-M]

[Decisions Volume No. 28]

DECISION-NOTICE

Correction

In FR Doc. 78-25769 appearing on page 41128 in the issue of Thursday, September 14, 1978, on page 41136, the first full paragraph, the first line now reading "MC 139495 (Sub-37F)" should read, "MC 139495 (Sub-371F), * * *".

[7035-01-M]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

NOVEMBER 22, 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 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 by December 11, 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 4405 (Sub-E60), (correction), filed June 4, 1974, published in the FEDERAL REGISTER issues of December 17, 1975 and May 18, 1977, and republished, as corrected, this issue. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, Okla. 74103. Representative: Roger D. Smith (address same as above). Such commodities as require special equipment and handling by reason of their unusual weight, bulk, or length, and self-propelled articles, each weighing 15,000 pounds or more; and related machinery, tools, parts, and supplies moving in connection herewith, between points in Washington, on the one hand, and on the other, points in Missouri and East St. Louis, IL, restricted against the transportation of traffic between those points in Washington, east of Benton, Douglas, Grant and Okanogan Counties, on the one hand, and on the other, those in Missouri in and west of Mercer, Grundy, Livington, and Carroll Counties, and those in Clay and Day Counties. The purpose of this filing is to eliminate the gateway of points in OK, TX, NM and NV.

Note.—The purpose of this republicate is to state the correct gateway.

MC 107012 (Sub-E238), filed July 7, 1977. Applicant: NORTH AMERICAN

VAN LINES, INC., P.O. box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Household Appliances, crated* (1) From points in AL, to points in ID, MT, ND, OR, SD, and WA. (2) From points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleborne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa Counties, AL, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Tehama, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, Yolo Counties, CA; Esmeralda, Eureka, Lander, Nye, Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe, Counties, NV; Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, Weber Counties, UT; and points in WY. (3) From points in Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell Counties, AL, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Medera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, Yolo Counties, CA; Garfield, Mesa, Moffat, Rio Blanco, Routt Counties, CO; Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe Counties, NV; Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, Weber Counties, UT; and points in WY. (4) From points in Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston Counties, AL, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, Yolo Counties, CA; Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe Counties, NV; Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, Weber Counties, UT; Park, Teton, Yellowstone National Park, Lincoln, Sublette, Sweetwater, Uinta, Fremont, Hot Springs, Natrona, Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie, Weston Counties, WY. (5) From points in De Kalb, Jackson, Limestone, Madison, Marshall, Morgan Counties, AL, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Fransisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, Yolo Counties, CA; Garfield, Mesa, Moffat, Rio Blanco, Routt Counties, CO; Esmeralda, Eureka, Lander, Nye, Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Persing, Storey, Washoe Counties, NV; Beaver, Iron, Washington, Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, UT; Wasatch, Weber Counties, UT; and points in WY. (6) From points in Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington, Wilcox Counties, AL, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity Counties, CA; Churchill, Douglas, humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe Counties, NV; Park, Teton, Yellowstone National Park, Fremont, Hot Springs, Natrona, Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie, Weston Counties, WY. (Gateway eliminated: Chicago, IL).

MC 107012 (Sub-E239), filed July 7, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Household Appliances, Crated* 1.) From points in AZ, to points in VA. 2.) From points in Cochise, Gila, Graham, Greenlee, Counties, AZ, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson, Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake, Warren Counties, NC. 3.) From points in Apache, Coconino, Mohave, Navajo, Yavapai, Maricopa, Pima, Pinal, Santa Cruz, Counties, AZ, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, Wayne, Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake, Warren Counties, NC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington Counties, TN. 4.) From points in Yuma, Counties, AZ, to points in NC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington Counties, TN. (Gateway eliminated: Chicago, IL)

MC 107012 (Sub-E241), filed July 7, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Household Appliances, Crated* 1.) From points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Counties, AR, to points in Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, Sanders, Counties, MT; Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells, Divide, McKenzie, Williams, Counties, ND; Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Counties, WA. 2.) From points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff, Counties, AR, to points in Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah,

Lewis, Nez Perce, Shoshone, Counties, ID; Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, Blaine, Cascade, Chouteau, Fergus, Golden Valley, Hill, Judith Basin, Lewis and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, Toole, Wheatland, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, Sanders, Counties, MT; to points in ND; Benton, Clackamass, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill, Counties, OR; and points in WA. 3.) From points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline, White, Counties, AR, to points in Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, Sanders, Counties, MT; Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Counties, WA. (Gateway eliminated: Chicago, IL)

MC 107012 (Sub-E 242), filed July 7, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Household Appliances, crated* (1) From points in CA, to points in NC, and VA. (2) From points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity Counties, CA, to points in AL, FL, and GA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Talahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, Yalobusha Counties, MS; points in SC and TN. (3) From points in Inyo, Fresno, Kings, Tulare Counties, CA, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, De Kalb, Jackson, Limestone, Madison, Marshall, Morgan Counties, AL; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Licie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Bolusia Counties, FL; points in GA; SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Somner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, Weakley Counties, TN. (4) From points in Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura Counties, CA, to points in SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington Counties, TN. (5) From points in San Bernardino County, CA, to points in Clarendon, Dillon, Florence, Georgetown, Horry, Marion, Williamsburg Counties, SC. (6) From points in Imperial, Riverside, San Diego Counties, CA, to points in Clarendon, Dillon, Florence, Georgetown, Horry, Marion, Williamsburg, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, York Counties, SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington Counties, TN. (7) From points in Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, Yolo Counties, CA, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, Morgan Counties, AL; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, Wakulla Counties, FL; points in GA and SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Vuren, Warren, White, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, Weakley Counties, TN. (Gateway eliminated: Chicago, IL).

MC 107012 (Sub-E244), filed July 7, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representaives: David D. Bishop and Gary M. Crist (same as above). *New Household Appliances, crated* 1.) From points in CO to points in VA. 2). From points in Garfield, Mesa, Moffat, Rio Blanco, Routt Counties, CO, to points in Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, De Kalb, Jackson, Limestone, Madison, Marshall, Morgan Counties, AL; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceloa, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, suwannee, Taylor, Wakulla Counties, FL; points in GA: NC: SC: Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, Mc Minn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren,

White, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson Counties, TN. 3). From points in Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller Counties, CO, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia Counties, FL; Banks, Barrow, Butts, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Gascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, Mc Duffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, To Ware, War, Wayne, Wheeler, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty, Screven Counties, GA, to points in NC; SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington Counties, TN. 4). From points in Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel Countries, CO., to points in NC; SC; Anderson, Blout, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington Counties, TN. 5). From points in Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers, Pueblo Counties, CO, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir. New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, Wayne, Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanley, Stokes, Union, vance, Wake, Warren Counties, North Carolina; Clarendon, Dillon, Florence, Georgetown, Horry, Marion, Williamsburg Counties, SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington Counties, TN. 6). From Kit carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, Yuma Counties, CO; to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, Wakulla Counties, FL; to points in GA; NC; SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washingon, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, Mc Minn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequachie, Van Buren, Warren, White Counties, TN. (Gateway Eliminated: Chicago, IL)

MC 107012 (Sub-E246), filed July 7, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: Daivd D. Bishop and Gary M. Crist (same as above). *New Household Appliances, crated* 1.) From points in FL, to points in ID, MT, ND, OK, SD, and WA. 2.) From points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminolf, Sumter, Volusia Counties, FL, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, Yolo Counties, CA; Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, Yuma Counties, CO; Esmeralda, Eureka, Lander, Nye, Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe Counties, NV; and points in UT and WY. 3.) From points in Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie Counties, FL, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, Yolo Counties, CA; Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, Yuma Counties, CO; Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita Counties, KS; Esmeralda, Eureka, Lander, Nye, Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe Counties, NV; and points in UT and WY. 4.) From points in Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington Counties, FL, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity Counties, CA; Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe Counties, NV; Box Elder, Cache,

Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, Weber Counties, UT; Park, Teton, Yellowstone National Park, Lincoln, Sublette, Sweetwater, Uinta, Fremont, Hot Springs, Natrona, Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie, Weston Counties, WY. 5.) From points in Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, Wakulla Counties, FL; to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, Yolo Counties, CA; Garfield, Mesa, Moffat, Rio Blanco, Routt, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, Yuma Counties, CO; Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe Counties, NV; Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, Weber, Carbon, Daggett, Duchesme, Emery, Grand, San Juan, Uimtah, Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier, Wayne Counties, UT; and points in WY. (Gateway eliminated: Chicago, IL)

MC 107012 (Sub-E247), filed July 7, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Household Appliances, Crated* 1.) From points in GA, to points in ID, MT, ND, OR, SD, WA, and WY. 2.) From points in Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Counties, GA, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, Yolo, Counties, CA; Garfield, Mesa, Moffat, Rio Blanco, Routt, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, Yuma, Counties, CO; Esmeralda, Eureka, Lander, Nye, Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe, Counties, NV; Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, Weber, Carbon, Daggett, Duchesme, Emery, Grand, San Juan, Uimtah, Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier, Wayne, Counties, UT. 3.) From points in Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, To Ware, Ware, Wayne, Wheeler, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty, Screven, Counties, CA, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, Yolo, Counties, CA; Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, Yuma, Counties, CO; Esmeralda, Eureka, Lander, Nye, Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe, Counties, NV; and points in UT. 4.) From points in Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, Whitfield, Counties, GA, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, Yolo, Counties, CA; Garfield, Mesa, Moffat, Rio Blanco, Routt, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, Yuma, Counties, CO; Esmeralda, Eureka, Lander, Nye, Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe, Counties, NV; and points in UT. (Gateway eliminated: Chicago, IL.)

MC 107012 (Sub-E248), filed July 7, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New household appliances, crated* (1) from points in ID, to points in AL, FL, GA, NC, SC, and VA. (2) From points in Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Counties, ID, to points in Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, Yalobusha, Counties, MS; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Graninger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, Weakley, Counties, TN. (3) From points in Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone, Counties, ID, to points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff, Counties, AR; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension,

Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, LaFourche, Livingston, Orleans, Plaquemines, Pointe Coupe, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, West Feliciana, Counties, LA; and points in MS and TN. (4) From points in Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, Power Counties, ID, to points in Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, Yalobusha Counties, MS; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, Weakley Counties, TN. (Gateway eliminated: Chicago, IL.)

MC 107012 (Sub-E251), filed July 7, 1977. Applicant NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Household Appliances, Crated* (1) From points in Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee, Wyandotte, Counties, KS, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, Wayne, Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake, Warren, Counties, NC; Clarendon, Dillon, Florence, Georgetown, Horry, Marion, Williamsburg, Counties, SC; and points in VA. (2) From points in Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Counties, KS, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrel, Washington, Wilson, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, Wayne, Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake, Warren, Counties, NC; and points in VA. (3) From points in Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Counties, KS, to points in Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie Counties, Florida; Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Tyrrell, Washington, Wilson, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, Wayne, Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake, Warren Counties, NC; points in SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Granger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington Counties, TN; and Points in VA. (4) From points in Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson Counties, KS, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson Counties, NC; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, Albamarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King And Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward, Prince George, Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah, Warren Counties and the Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, Waynesboro, Harrisonburg, Winchester, VA. (5) From points in Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPerson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumneer, Washington Counties, KS, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, Wayne, Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake Warren, Counties, NC; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William,

Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward, Prince George, Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah, Warren Counties and the Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, Waynesboro, Harrisonburg, Winchester, VA. (Gateway eliminated: Chicago, IL)

MC 107012 (Sub-E253), filed July 7, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Household Appliances, crated* (1.) From points in KY, to points in ID, MT, ND, OR, and WA. (2.) From points in Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, Woodford Counties, KY, to points in AZ; CA; Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, Yuma Counties, CO; points in NV; McKinley, Rio Arriba, San Juan Counties, NM; points in SD, UT, and WY. (3.) From points in Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, La Rue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham; Sheleby, Simpson, Spencer, Todd, Trimble, Warren Counties, KY, to points in AZ; CA; Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, Yuma Counties, CO; points in NV; McKinley, Rio Arriba, San Juan, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro Counties, NM; points in SD, UT and WY. 4.) From points in Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott, Wolfe Counties, KY, to points in AZ; CA; CO; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita Counties, KS; points in NV; Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro, Colfax, Harding, Mora, Taos, Union Counties, NM; Beaver, Cimarron, Texas Counties, Oklahoma; points in SD; UT; and WY. 5.) From points in Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Oswley, Perry, Pike, Whitley Counties, KY; to points in Apache, Coconino, Mohave, Navajo, Yavapai, Maricopa, Pima, Pinal, Santa Cruz, Yuma Counties, Arizona; points in California; Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, Yuma Counties, CO; points in NV; McKinley, Rio Arriba, San Juan Counties, NM; points in SD; UT; WY. 6.) From points in Ballard, Caldwell, Calloway, Carlisle, Crittendon, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union, Webster Counties, KY, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra, Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonama, Stanislaus, Sutter, Tuolumne, Yolo Counties, CA; Esmeralda, Eureka, Lander, Nye, Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, Washoe Counties, NV; Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Ziebach, Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd, Tripp, Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, Spink Counties, SD; Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, Weber Counties, UT; Park, Teton, Yellowstone National Park, Lincoln, Sublette, Sweetwater, Uinta, Fremont, Hot Springs, Natrona, Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie, Weston Counties, WY. (Gateway eliminated: Chicago, IL)

MC 107012 (Sub-E254), filed July 7, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Household Appliances, Crated* (1) From points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapids, Saint Landry, Vernon, Counties, LA, to points in Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, Sanders, Counties, MT; Barnes, Cass, Dickey, Kidder, La Moure, Logan, McIntosh, Ransom, Richland, Sargent, Stutsman, Eddy, Foster, Grand Forks, Griggs, Nelson, Steele, Traill, Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells, Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward, Divide, McKenzie, Williams, Counties, ND; Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Counties, WA. (2) From points in Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Counties, LA, to points in Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells, Counties, ND. (3) Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Counties, LA, to points in Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone, Counties, ID; Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, Blaine, Cascade, Chouteau, Fergus, Golden Valley, Hill, Judith Basin, Lewis and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, Toole, Wheatland, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, Sanders, Counties, MT; points in ND; Ferry, Linclon, Okanogan, Pend Oreille, Spokane, Stevens, Clallam, Grays Harbor, Jeffer-

son, Kitsap, Mason, San Juan, Chelan, Douglas, Grant, Island, King, Kittitas, Skagit, Snohomish, Whatcom, Counties, WA. (4) From points in Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, West Feliciana, Counties, LA, to points in Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone, Counties, ID; points in MT; ND; Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill, Counties, OR; Campbell, Corson, Dewey, Edmunds, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, Spink, Counties, SD; and points in WA. (Gateway eliminated: Chicago, IL.)

MC 107012 (Sub-E281), filed July 7, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., PO Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New household appliances, crated,* (1) from points in VA, to points in AZ, CA, CO, ID, MT, NV, ND, OR, SD, UT, WA, and WY. (2) From points in Arlington, Caroline, Culpepper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Clarke, Frederick, Greene, Loudon, Madison, Page, Rappahannock, Rockingham, Shenandoah, Warren Counties, and the Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Harrisonburg, Winchester, VA, to points in KS; NM; Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, Texas, Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole, Stephens Counties, OK. (3) From points in Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazwell, Washington, Wise, Wythe Counties, and the Cities of Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, VA, to points in Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee, Wyandotte, Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita Counties, Kansas; Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Catron, Dona Ana, Grant, Hidaglo, Luna, Otero, Sierra, Socorro, Colfax, Harding, Mora, Taos, Union Counties, NM, Beaver, Cimarron, Texas Counties, OK. (4) From points in Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nannsemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York Counties, and the Cities of Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, VA, to points in KS; Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia McKinley, Rio Arriba, San Juan, Catron, Dona Ana, Grant, Hidaglo, Luna, Otero, Sierra, Socorro, Colfax, Harding, Mora, Taos, Union Counties, NM; Alfalfa, Beckam, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, Texas Counties, OK. (5) From points in Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward, Prince George Counties, and the Cities of Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, Waynesboro, VA; to points in KS; Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Catron, Dona Ana, Grant, Hidaglo, Luna, Otero, Sierra, Socorro, Colfax, Harding, Mora, Taos, Union Counties, NM; Alfalfa, Beckham, Blaine, Caddo, Commanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowatta, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, Texas, Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole, Stephens Counties, OK. (Gateway eliminated: Chicago, IL.)

MC 107012 (Sub-E282), filed July 7, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New household appliances, crated* (1) from points in WA, to points in AL, FL, GA, MS, NC, SC, TN and VA. (2) From points in Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Yakima, Adams, Asotim, Benton, Columbia, Franklin, Garfield, Walla Walla, Whitman, Counties, WA, to points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff, Counties, AR; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, West Feliciana, Counties, LA. (3) From points in Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Counties, WA, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff, Counties, AR; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapids, Saint Landry, Vernon, Caldwell, East, Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint

Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, West Feliciana, Counties, LA. (4) From points in Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Counties, WA, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline, White, Counties, AR; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, West Feliciana, Counties, LA. (5) From points in Chelan, Douglas, Grant, Island, King, Kittitas, Skagit, Snohomish, Whatcom, Counties WA, to points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone, Woodruff, Counties, AR; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, West Feliciana, Counties, LA. (Gateway eliminated: Chicago, IL.)

MC 107012 (Sub-E284), filed July 7, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (address same as above). *New Household Appliances, Crated* (1) From points in WY, to points in GA, NC, SC, and VA. (2) From points in Albany, Carbon, Converse, Goshen, Laramie, Niobrara, Platte Counties, WY, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, DeKalb, Jackson, Limestone, Madison, Marshall, Morgan Counties, AL; Charlotte, De Soto, Glades, Mardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alchua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, Wakulla Counties, FL; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Rickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson Counties, TN. (3) From points in Park, Teton, Yellowstone, National Park Counties, WY, to points in AL, FL; Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, Yalobusha Counties, MS; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, Weakley Counties, TN. (4) From points in Lincoln, Sublette, Sweetwater, Uinta Counties, WY, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, DeKalb, Jackson, Limestone, Madison, Marshall, Morgan Counties, AL; to points in FL; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, Weakley Counties, TN. (5) From points in Fremont, Hot Springs, Natrona Counties, WY, to points in AL, FL; Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, Yalobusha Counties, MS; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, Weakley Counties, TN. (6) From points in Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie, Weston Counties, WY, to points in AL, FL; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Clairborne,

Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, Yalobusha Counties, MS; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, Weakley Counties, TN. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

MC 107012 (Sub-E376), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Kitchen Cabinet Sinks, Uncrated* (1) From points in Clark and Lincoln Counties, NV, to points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblin, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union and Washington Counties, TN. (2) From points in Esmeralda, Eureka, Lander and Nye Counties, NV, to points in De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, AL; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter and Volusia Counties, FL; points in GA; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN. (3) From points in Elko and Whitepine Counties, NV, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Grenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL; points in GA; Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN. (4) From points in Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey and Washoe Counties, NV, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL; point in FL; points in GA; Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN. (Gateway eliminated: St. Charles, IL.)

MC 107012 (Sub-E377), filed may 16, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Kitchen Cabinet Sinks, Uncrated,* (1) From points in Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra and Socorro Counties, NM, to points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotan, Per Quimans, Pitt, Tyrrell, Washington, Wilson, Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake and Warren Counties, NC; points in VA. (2) From points in McKinley, Rio Arriba and San Juan Counties, NM, to points in NC; Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marl-

boro, Richland, Sumter, Clarendon, Dillion, Florence, Georgetown, Horry, Marion, Williamsburg, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union and Washington Counties, TN; points in VA. (3) From points in Chaves, Curry, DeBaca, Eddy, Lea, Lincoln, Quay and Roosevelt Counties, NM, to points in Arlingtion, Caroline, Culpeper, Essex, Fairfax, Fauquier, King, George, Orange, Prince William, Spotsylvania, Stafford and Westmoreland Counties and Independent Cities of: Alexandria, Fairfax, Falls Church and Fredericksburg; Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah and Warren Counties and Independent cities of: Harrisonburg and Winchester, VA. From points in Colfax, Harding, Mora, Taos and Union Counties, NM, to points in Beaufort, Bertie, Camden, Chowan Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington, Wilson, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, Wayne, Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake and Warren Counties, NC; points in VA. (Gateway eliminated: St. Charles, IL.)

MC 107012 (Sub-E378), filed May 16, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., PO Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Kitchen Cabinet Sinks, Uncrated,* (1) From points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Countires, NC, to points in Yuma County, AZ; Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma Counties, CO; McKinley, Rio Arriba and San Juan Counties, NM. (2) From points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell, Washington and Wilson Counties, NC, to points in AZ; points in CO; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee, Wyandotte, Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumneer and Washington Counties, KS; Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro, Colfax, Harding, Mora, Taos and Union Counties, NM; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron and Texas Counties, OK. (3) From points in Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC, to points in Apache, Coconino, Mohave, Navajo, Yavapai, Maricopa, Pima, Pinal, Santa Cruz, and Yuma Counties, AZ; points in CO; Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace and Wichita Counties, KS; McKinley, Rio Arriba and San Juan Counties, NM. (4) From points in Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, and Wayne Counties, NC, to points in Apache, Coconino, Mohave, Navajo, Yavapai, Maricopa, Pima, Pinal, Santa Cruz, and Yuma Counties, AZ; points in CO; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee Wabaunsee, Wyandotte, Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Staton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumneer and Washington Counties, KS; McKinley, Rio Arriba, San Juan, Colfax, Harding, Mora, Taos and Union Counties, NM. (5) From points in Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake and Warren Counties, NC, to points in AZ; points in CO; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee Wabaunsee, Wyandotte, Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumneer and Washington Counties, KS; Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro, Colfax, Harding, Mora, Taos and Union Counties, NM; Beaver, Cimarron and Texas Counties, OK. (Gateway eliminated: St. Charles, IL.)

MC 107012 (Sub-E379), filed May 16, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New Kitchen Cabinet Sinks, Uncrated.* (1) From points in Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope and Stark Counties, ND,

to points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone and Woodruff Counties, AR; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana parishes, LA. (2) From points in Barnes, Cass, Dickey, Kidder, LaMoure, Logan, McIntosh, Ransom, Richland, Sargent, Stutsman, Eddy, Foster, Grand Forks, Griggs, Nelson, Steele and Traill Counties, ND, to points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independece, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone and Woodruff Counties, AR; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA. (3) From points in Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells, Divide, McKenzie and Williams Counties, ND, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone and Woodruff Counties, AR; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA. (4) From points in Bottineau, Burke, McHenry, McLean, Mountrail, Renville and Ward Counties, ND, to points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone and Woodruff Counties, AR; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana, Parishes, LA. (Gateway eliminated: St. Charles, IL.)

MC 107515 (Sub-E673), filed December 20, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 33050. Representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Road, N.E., Atlanta, GA 30326. 1. *FROZEN FOODS, FRESH AND CURED MEATS and such commodities* as are classified as DAIRY PRODUCTS in the appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, *FRESH FRUITS AND VEGETABLES, and MEAT PRODUCTS AND MEAT BY-PRODUCTS* as described in parts A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 766 (except in bulk), in vehicle, equipped with mechanical refrigeration, FROM Memphis, TN TO points in ME, NH, VT, MA, CT, RI, NJ, DE, DC, MD, NC, and SC; points in FL on and east of US Hwy 319; points in WV on and east of US 219; points in PA on and east of aline commencing at the PA-WV stateline and extending over PA 281 to jct. US Hwy 219, thence over US Hwy 219 to jct. PA 56, thence over PA Hwy 56 to jct. PA Turnpike thence over PA Turnpike to jct. US Hwy 522, thence over US Hwy 522 to jct. US Hwy 15, thence over US Hwy 15 to NY-PA stateline; and points in NY on or east of a line commencing at the PA-NY stateline and extending over US Hwy 15 to jct. NY Hwy 13, thence over NY Hwy 13 to jct. US Hwy 20, thence over US Hwy 20 to jct. NY Hwy 12, thence over NY Hwy 12 to jct. NY Hwy 26, thence over NY hwy 26 to jct. NY Hwy 3A, thence over NY Hwy 3A to jct. NY Hwy 411, thence over NY Hwy 411 to jct. NY Hwy 26, thence over NY Hwy 26 to jct. NY Hwy 37, thence over NY Hwy 37 to International Boundary Line at Ogdensburg, NY. 2. *FROZEN FOODS, FRESH AND CURED MEATS and such commodities as are classified as DAIRY PRODUCTS* in the appendix to the report in *Modification* of Permits—Parking House Products, 46 MCC 23, and FRESH FRUITS AND VEGETABLES (except in bulk) in vehicle equipped with mechanical refrigeration, (A) FROM points in TN (except McMinnville, TN and that portion of Davidson County, TN formerly known as the City of Nashville), TO points in FL on or east of US Hwy 319, (B) FROM points in that portion of TN on or west of a line beginning at the TN-MS stateline and extending along US Hwy 45 to jct. US Hwy 45W, thence along US Hwy 45W to jct. TN 5, thence along TN Hwy 5 to the TN-KY stateline (except McMinnville, TN and that portion of Davidson County, TN formerly known as the city of Nashville, TO points in SC, ME, VT, NH, CT, RI, MA, NJ, and DE; that portion on NC on or east of Interstate Hwy 85; that portion of VA on, south or east of a line beginning at the VA-NC stateline and extending along US Hwy 501 to jct. US Hwy 360, thence along US Hwy 360 to the Chesapeake Bay at or near Reedville, VA; points in MD and VA on the Del-Mar-Va Peninsula; that portion of PA on, south or east of a line beginning at the VA-NC stateline and extending along US Hwy 501 to jct. US Hwy 360, thence along US Hwy 360 to the Chesapeake Bay at or near Reedville, VA; points in MD and VA on the Del-Mar-Va Peninsula; that portion of PA on, south or east of US Hwy 202; and that portion to jct. Interstate 87, thence along Interstate Hwy 87 to NY Hwy 9-N, thence along NY Hwy 9-N at or near Elizabethtown, NJ to jct. NY Hwy 73, thence along NY Hwy 73 to jct. NY Hwy 86, thence along NY Hwy 86 to jct. NY Hwy 30, thence along NY Hwy 30 to the United States-Canada border. (C) FROM points in that portion of TN on, east or south of a line beginning at the GA-TN stateline and extending along Interstate Hwy 75 to jct. US Hwy 64, thence along US Hwy 64 to jct. US Hwy 51, thence along US Hwy 51 to jct. TN Hwy 59, thence along TN Hwy 59 to the Mississippi River (except from McMinnville, TN and that portion of Davidson County, TN formerly known as the City of Nashville), TO points in SC on, south or east Interstate Hwy 85; that portion of NC on, south or east of US Hwy 20; that portion of VA on, south or east of a line beginning at the VA-NC stateline and extending along US Hwy 360

to jct. Interstate Hwy 95; thence long Interstate Hwy 95 to the VA-DC stateline Washington, D.C.; that portion of MD on, south or east of US Hwy 1; that portion of PA on, south or east of a line beginning at the MD-PA stateline and extending along US Hwy 222 to jct. PA Hwy 61; thence along PA Hwy 61 to jct. PA Hwy 42, thence along PA Hwy 42 to jct. US Hwy 220, thence along US Hwy 220 to the NY-PA stateline; and, that portion of NY on, south or east of NY Hwy 14; and points in DE, NJ, CT, RI, MA, NH, VT, and ME. (D) FROM points in that portion of TN on or west of a line beginning at the KY-TN stateline and extending along TN Hwy 109 to jct. Hwy 40, thence along Interstate Hwy 40 to jct. US Hwy 231, thence along US Hwy 231 to jct. US Hwy 41, thence along US Hwy 41 to the GA-TN stateline (except those points in Davidson County, TN formerly known as the City of Nashville and McMinnville) TO points in SC; that portion of NC on, south or east of Interstate Hwy 85; that portion of VA on or south of a line beginning at the NC-VA stateline and extending along Interstate Hwy 85 to jct. Interstate Hwy 95, thence along Interstate Hwy 95 to jct. US Hwy 360, thence along US Hwy 360 to the Chesapeake Bay; points in VA and MD on the Del-Mar-Va Peninsula; that portion of PA on or east of US Hwy 1; that portion of NJ on, south or east of a line beginning at the PA-NJ stateline and extending along US Hwy 1 to jct. NJ Hwy 17, thence along NJ Hwy 17 to the NY-NJ stateline; NY, NY, and points in Westchester, Nassau, and Suffolk Counties, NY; points in CT on, south or east of CT Hwy 15; that portion of MA on, south or east of a line at the CT, MA stateline and extending along MA Hwy 15 to jct Interstate Hwy 90, thence along Interstate Hwy 90 to jct. Interstate Hwy 290, thence along Interstate Hwy 290 to jct. Interstate Hwy 495, thence along Interstate Hwy 495 to jct. Interstate Hwy 95 to the MA, NH stateline; Portsmouth, NH; and ME, DE and RI. (E) FROM points in TN on or south of US hwy 11 and US Hwy 11E (except from McMinnville, TN and that portion of Davidson County, TN formerly known as the City of Nashville), TO points in TX; points in OK on or west of a line commencing at the AR-OK stateline and extending over OK 3 to jct. OK Hwy 39, thence over OK Hwy 39 to jct. US Hwy 177, thence over US Hwy 177 to jct. Interstate Hwy 44, thence over Interstate Hwy 44 to jct. Interstate Hwy 35, thence over Interstate Hwy 35 to the OK-KS stateline; points in KS on or west of US Hwy 281; points in NE on or west of US Hwy 183. (F) FROM points in TN on, south or east of a line commencing at the GA-TN stateline and extending along US Hwy 11 to jct. Interstate Hwy 75, thence along Interstate Hwy 75 to jct. TN Hwy 33, thence along TN Hwy 33 to jct. US Hwy 25E, thence over US Hwy 25E to the KY-TN-VA stateline (except from McMinnville, TN and that portion of Davidson County, TN formerly known as the City of Nashville) TO points in TX. (G) FROM Chattanooga, TN TO points in TX; points in OK on or west of a line commencing at the AR-OK stateline and extending along US Hwy 70 to jct. Indian Nation Turnpike, thence over Indian Nation Turnpike to jct. OK Hwy 3, thence over OK Hwy 3 to jct. OK Hwy 9, thence over OK Hwy 9 to jct. US Hwy 177, thence over US Hwy 177 to OK-KS stateline; points in KS on or west of US Hwy 81; points in NE on or west of a line commencing at the KS-NE stateline and extending over US Hwy 81 to jct. US Hwy 20, thence along US Hwy 20 to NE-IA stateline at Sioux City, IA, and extending along US Hwy 75 to MN-IA stateline; points in MN on, north or west of a line commencing at the MN-IA stateline and extending along MN Hwy 60 to jct. US Hwy 169, thence over US Hwy 169 to jct. Interstate Hwy 494, thence over Interstate Hwy 494 to jct. US Hwy 94, thence along Interstate Hwy 94 to MS-WI stateline at or near Lakeland, MN; and, Superior, WI. (H) From points in TN on or east of US Hwy 41 (except McMinnville and points in Davidson County formerly known as the City of Nashville) to Brownsville, TX. 3. *Non-dairy food dressing, non-dairy cream substitute and cocoa mix*, (except in bulk) in vehicles equipped with mechanical refrigeration, from Jonesboro, TN to destinations located in No. 2(E) above. 4. *Pizza pie ingredients and foodstuffs, meats, meat products, meat by-products* used in the production and sale of pizza pies (except in bulk) in vehicles equipped with mechanical refrigeration. From plantsite of Pepe's Pizza, Div. of Wholesale Pizza Co. at Nashville, TN to destination points in 2(D) above, restricted to the transportation of shipments originating at the plantsite of Pepe's Pizza, a division of Wholesale Pizza Company at Nashville, TN. 5. *Meats, meat products and meat by-products* as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except in bulk), in vehicles equipped with mechanical refrigeration. From Union City, Humboldt, and Jackson, TN. To destination territory described in 2(B) above. 6. *Frozen foods, fresh and cured meats and such commodities as are classified as dairy products* in the appendix to the report in *Modification of Permits—Packing House Products*, 46 MCC 23, and *fresh fruits and vegetables* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in TN on or east of a line commencing at TN-AL stateline and extending along US Hwy 431 to jct. TN Hwy 96, thence over TN Hwy 96 to jct. TN Hwy 48, thence over TN Hwy 48 to jct. TN Hwy 13, thence over TN Hwy 13 to jct. US Alt. Hwy 41, thence over US Alt. Hwy 41 to the KY-TN stateline, (except from McMinnville and points in Davidson County formerly known as the City of Nashville). To points in FL. 7. *Fresh and cured meats, and such commodities as are classified as dairy products* in the appendix to the report in *Modification of Permits—Packing House Products*, 46 MCC 23 and *fresh fruits and vegetables* (except in bulk), in vehicles equipped with mechanical refrigeration, (A) from Chattanooga, TN and points in Bradley, Hamilton, Grundy, Marion, Sequatch, Bledsoe, White, Cumberland, Overton and Jackson Counties, TN to points in GA on, south or east of a line commencing at the AL-GA stateline and extending over US Hwy 29 to jct. US Hwy 78, thence over US Hwy 78 to jct. GA Hwy 72, thence along GA Hwy 72 to GA-SC stateline, and points in Fulton, Douglas, Gwinnett, and Cobb Counties, GA. (B) From points in TN on or east of US Hwy 127 except those points east of a line beginning at the NC-TN stateline, and extending over US Hwy 25 to jct. US Hwy 25E, thence over US Hwy 25E to the KY-TN stateline, to points in GA on, south or east of a line commencing at the AL-GA stateline and extending over GA Hwy 34 to jct. US Hwy 29, thence over US Hwy 29 to Atlanta, thence over Interstate Hwy 20 to jct. US Hwy 441, thence over US Hwy 441 to jct. US Hwy 80, thence over US Hwy 80 to Atlantic Ocean at Savannah Beach, and points in DeKalb, Gwinnett, Cobb, Fulton, Douglas, Henry and Rockdale Counties, GA. (C) From points in TN west of US Hwy 127 and East of Interstate Hwy 65, (except McMinnville and that portion of Davidson County formerly known as the City of Nashville, TN). To points in GA on, south or east of a line commencing at the AL-GA stateline and extending over Interstate Hwy 85 to jct. Interstate Hwy 20, thence over Interstate Hwy 20 to the GA-SC stateline, and points in Fulton, Cobb, DeKalb, Gwinnett, Rockdale and Douglas Counties, GA. Restriction: The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act. The purpose of this application is to eliminate the gateway of Doraville (Atlanta) GA.

MC 114868 (Sub-E26), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 North Nelson Street, Arlington, VA 22201. Representative: H. E. Newlon, Jr., (same as above). *Household goods,* (1) between points in CT, on the one hand, and, on the other, points in IN (Gateways—Washington, DC, and points in KY within 125 miles of Nashville); (2) between points in CT, on the one hand, and, on the other, points in IL (Gateways—Washington, DC, and points in KY within 125 miles of Nashville); (3) between points in CT, on the one hand, and, on the other, points in KY (Gateway—points in KY within 125 miles of Nashville); (4) between points in CT, on the one hand, and, on the other, points in MD (Gateway—Washington, DC); (5) between points in CT, on the one hand, and, on the other, points in MO (Gateways—Washington, DC, and points in KY within 125 miles of Nashville); (6) between points in CT, on the one hand, and, on the other, points in NC (Gateways—Washington, DC, and points in TN and KY within 125 miles of Nashville); and (7) between points in CT, on the one hand, and, on the other, points in OH (Gateway—Washington, DC).

MC 114868 (Sub-E27), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 North Nelson Street, Arlington, VA 22201. Representative: H. E. Newlon, Jr., (same as above). *Household goods,* (1) between points in DE, on the one hand, and, on the other, points in IN (Gateways—Washington, DC, and points in KY within 125 miles of Nashville); (2) between points in DE, on the one hand, and, on the other, points in IL (Gateways—Washington, DC, and points in KY within 125 miles of Nashville); (3) between points in DE, on the one hand, and, on the other, points in MD (Gateway—Washington, DC); (4) between points in DE, on the one hand, and, on the other, points in KY (Gateway—points in KY within 125 miles of Nashville); (5) between points in DE, on the one hand, and, on the other, points in NC (Gateways—Washington, DC, points in TN and KY within 125 miles of Nashville); (6) between points in DE, on the one hand, and, on the other, points in MN (Gateways—Washington, DC, and points in KY within 125 miles of Nashville); (7) between points in DE, on the one hand, and, on the other, points in MO (Gateways—Washington, DC, and points in KY within 125 miles of Nashville); and (8) between points in DE, on the one hand, and, on the other, points in OH (Gateway—Washington, DC).

MC 114868 (Sub-E34), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 North Nelson Street, Arlington, VA 22201. Representative: H. E. Newlon, Jr., (same as above). *Household goods,* (1) between points in NC, on the one hand, and, on the other, points in IL (Gateway—Washington, DC); (2) between points in NC, on the one hand, and, on the other, points in TN (Gateway—points in TN within 125 miles of Nashville); (3) between points in NC, on the one hand, and, on the other, points in MO (Gateways—Washington, DC, and points in KY within 125 miles of Nashville); (4) between points in NC, on the one hand, and, on the other, points in KY (Gateway—points in KY within 125 miles of Nashville); (5) between points in NC, on the one hand, and, on the other, points in IN within 10 miles north of the Ohio River (Gateway—points in KY within 125 miles of Nashville); and (6) between points in NC, on the one hand, and, on the other, points in MD (Gateway—Washington, DC).

MC 114868 (Sub E50), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 North Nelson Street, Arlington, VA 22201. Representative: H. E. Newlon, Jr. *Household goods,* (1) between points in AL, on the one hand, and, on the other, points in MA. (Gateway—points in AL within 125 miles of Nashville). (2) between points in AL, on the one hand, and, on the other, points in MI. (Gateway—points in TN within 125 miles of Nashville.) (3) between points in AL, on the one hand, and, on the other, points in MN. (Gateway—points in AL within 125 miles of Nashville.) (4) between points in AL, on the one hand, and, on the other, points in DC. (Gateway—points in AL within 125 miles of Nashville.) (5) between points in AL, on the one hand, and, on the other, points in CT. (Gateway—points in AL and TN within 125 miles of Nashville.) (6) between points in AL, on the one hand, and, on the other, points in DE. (Gateway—points in AL and TN within 125 miles of Nashville.) (7) between points in AL, on the one hand, and, on the other, points in IL. (Gateway—points in AL within 125 miles of Nashville.) (8) between points in AL, on the one hand, and, on the other, points in IN. (Gateway—points in AL and TN within 125 miles of Nashville.) (9) between points in AL north and west of a line beginning at the AL-GA State line extending along trunk Hwy 46 to junction AL Hwy 27, then along AL Hwy 27 to junction AL Hwy 134, then along AL Hwy 134 to junction AL Hwy 85, then along AL Hwy 85 to junction AL Hwy 27, then along AL Hwy 27 to the AL-FL State line, on the one hand, and, on the other, points in VA. (Gateway—points in AL within 125 miles of Nashville.) (10) between points in AL, on the one hand, and, on the other, points in MD. (Gateway—points in AL and TN within 125 miles of Nashville.) (11) between points in AL, on the one hand, and, on the other, points in KY. (Gateway—points in TN within 125 miles of Nashville.) (12) between points in AL, on the one hand, and, on the other, points in MO. (Gateway—points in AL and TN within 125 miles of Nashville.) (13) between points in AL, on the one hand, and, on the other, points in NJ. (Gateway—points in AL within 125 miles of Nashville.) (14) between points in AL north and west of a line beginning at the AL-GA State line extending along US Hwy 78 to junction I Hwy 20, then along I Hwy 20 to junction US Hwy 31, then along US Hwy 31 to junction AL Hwy 25, then along AL Hwy 25 to junction AL Hwy 139, then along AL Hwy 139 to junction AL Hwy 22, then along AL Hwy 22 to junction AL Hwy 41, then along AL Hwy 41 to junction AL Hwy 21, then along AL Hwy 21 to the AL-FL State line, on the one hand, and, on the other, points in NC. (Gateway—points in TN and AL within 125 miles of Nashville.) (15) between points in AL, on the one hand, and, on the other, points in NY. (Gateway—points in AL and KY within 125 miles of Nashville and Washington, DC.) (16) between points in AL, on the one hand, and, on the other, points in OH. (Gateway—points in AL within 125 miles of Nashville.) (17) between points in AL, on and north of AL Hwy 10, on the one hand, and, on the other, points in OK. (Gateway—points in AL within 125 miles of Nashville.) (18) between points in AL, on the one hand, and, on the other, points in PA. (Gateway—points in AL and TN within 125 miles of Nashville.) (19) between points in AL north of a line beginning at the AL-GA State line extending along US Hwy 78 to junction trunk Hwy 93, then along trunk Hwy 93 to junction trunk Hwy 20, then along trunk Hwy 20 to junction trunk Hwy 26, then along trunk Hwy 26 to junction AL Hwy 53, then along AL Hwy 53 to junction trunk Hwy 8, then along trunk Hwy 8 to junction I Hwy 65, then along I Hwy 65 to junction US Hwy 278, then along US Hwy 278 to junction US Hwy 78, then along US Hwy 78 to the AL-MS State line, on the one hand, and, on the other, points in TX. (Gateway—points in AL within 125 miles of Nashville.) (20) between points in AL north of a line beginning at the AL-GA State line extending along I Hwy 59 to junction US Hwy 82, then along US Hwy 82 to the AL-MS State line, on the one hand, and, on the other, points in SC west of a line beginning at the SC-NC State line extending along I Hwy 85 to junction US Hwy 29, then along US Hwy 29 to the SC-GA State line. (Gateway—points in AL within 125 miles of Nashville.) (21) between points in AL, on the one hand, and, on the other,

points in RI. (Gateway—points in AL and KY within 125 miles of Nashville and Washington, DC.) (22) between points in AL, on the one hand, and, on the other, points in WI. (Gateway—points in AL and TN within 125 miles of Nashville.) (23) between points in AL, on the one hand, and, on the other, points in WV. (Gateway—points in AL and TN within 125 miles of Nashville.)

MC 123407 (Sub-E493), 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). *Adhesive cement and materials, ingredients 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 the facilities of Permalastic Products Company located in Wayne County, MI, to points in WA, OR, CA, NV, ID, UT, AZ, WY, CO, NM, KS, TX, OK, and points in Atchison, Nodaway, Holt, Andrew, Buchanan, Platte, Jackson, Clay, Clinton, DeKalb, Gentry, Worth, Harrison, Daviess, Caldwell, Ray, Lafayette, Pettis, Saline, Carroll, Livingston, Grundy, Mercer, Putnam, Sullivan, Linn, Chariton, Howard and Cooper Counties, MO. (Gateway eliminated: Fairplay, WI.)

MC 123407 (Sub-E498), filed July 25, 1978. Applicant: SAWYER TRANSPORT INC., South Haven Square, US Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Materials used in the manufacture and distribution of windows, doors, and building woodwork* (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, WY, CO, UT, NV, to Columbus, OH. (Gateway eliminated: Dubuque, IA.)

MC 125433 (Sub-E58), 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). *Pipe* (except iron and steel and commodities in bulk), (1) between points in CO on, south and west of a line beginning at the CO-UT State line extending along US Hwy 6 to junction CO Hwy 133, then along CO Hwy 133 to junction CO Hwy 135, then along CO Hwy 135 to junction US Hwy 50, then along US Hwy 50 to junction US Hwy 550, then along US Hwy 550 to the CO-NM State line, on the one hand, and, on the other, points in WY on and west of a line beginning at the CO-WY State line extending along WY Hwy 430 to junction US Hwy 187, then along US Hwy 187 to junction WY Hwy 28, then along WY Hwy 28 to junction WY Hwy 789, then along WY Hwy 789 to junction WY Hwy 120, then along WY Hwy 120 to junction WY Hwy 397, then along WY Hwy 397 to the WY-MT State line; (2) between points in CO on and within a line beginning at the CO-NM State line extending along US Hwy 550 to junction US Hwy 50, then along US Hwy 50 to junction CO Hwy 135, then along CO Hwy 135 to junction CO Hwy 133, then along CO Hwy 133 to junction US Hwy 6, then along US Hwy 6 to junction US Hwy 24, then along US Hwy 24 to junction US Hwy 285, then along US Hwy 285 to the CO-NM State line, on the one hand, and, on the other, points in WY on and west of a line beginning at the WY-CO State line extending along WY Hwy 430 to junction US Hwy 187, then along US Hwy 187 to junction US Hwy 89, then along US Hwy 89 to junction US Hwy 14, then along US Hwy 14 to junction US Hwy 16, then along US Hwy 16 to junction WY Hwy 120, then along WY Hwy 120 to junction WY Hwy 397, then along WY Hwy 397 to the WY-MT State line; (3) between points in CO on, south and east of a line beginning at the CO-NM State line extending along US Hwy 285 to junction US Hwy 24, then along US Hwy 24 to the CO-KS State line, on the one hand, and, on the other, points in WY on and west of a line beginning at the WY-CO State line extending along WY Hwy 430 to junction I Hwy 80, then along I Hwy 80 to junction US Hwy 30N, then along US Hwy 30N to junction US Hwy 189, then along US Hwy 189 to junction US Hwy 89, then along US Hwy 89 to the WY-MT State line; and (4) between points in CO on and north a line beginning at the CO-UT State line extending along US Hwy 6 to junction WY Hwy 9, then along WY Hwy 9 to junction US Hwy 24, then along US Hwy 24 to the CO-KS State line, on the one hand, and, on the other, points WY on and west of a line beginning at the WY-UT State line extending along I Hwy 80 to junction US Hwy 189, then along US Hwy 189 to junction US Hwy 187, then along US Hwy 187 to junction US Hwy 89, then along US Hwy 89 to the WY-MT State line. (Gateway eliminated: points in UT.)

MC 125433 (Sub-E59), 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 M.C.C. 209 and 766 (except commodities in bulk), (1) between points in CO on, south and west of a line beginning at the CO-UT State line extending along US Hwy 6 to junction CO Hwy 133, then along CO Hwy 133 to junction CO Hwy 135, then along CO Hwy 135 to junction US Hwy 50, then along US Hwy 50 to junction US Hwy 550, then along US Hwy 550 to the CO-NM State line, on the one hand, and, on the other, points in WY on and west of a line beginning at the CO-WY State line extending along WY Hwy 430 to junction US Hwy 187, then along US Hwy 187 to junction WY Hwy 28, then along WY Hwy 28 to junction WY Hwy 789, then along WY Hwy 789 to junction WY Hwy 120, then along WY Hwy 120 to junction WY Hwy 397, then along WY Hwy 397 to the WY-MT State line; (2) between points in CO on and within a line beginning at the CO-NM State line extending along US Hwy 550 to junction US Hwy 50, then along US Hwy 50 to junction CO Hwy 135, then along CO Hwy 135 to junction CO Hwy 133, then along CO Hwy 133 to junction US Hwy 6, then along US Hwy 6 to junction US Hwy 24, then along US Hwy 24 to junction US Hwy 285, then along US Hwy 285 to the CO-NM State line, on the one hand, and, on the other, points in WY on and west of a line beginning at the WY-CO State line extending along WY Hwy 430 to junction US Hwy 187, then along US Hwy 187 to junction US Hwy 89, then along US Hwy 89 to junction US Hwy 14, then along US Hwy 14 to junction US Hwy 16, then along US Hwy 16 to junction WY Hwy 120, then along WY Hwy 120 to junction WY Hwy 397, then along WY Hwy 397 to the WY-MT State line; (3) between points in CO on, south and east of a line beginning at the CO-NM State line extending along US Hwy 285 to junction US Hwy 24, then along US Hwy 24 to the CO-KS State line, on the one hand, and, on the other, points in WY on and west of a line beginning at the WY-CO State line extending along WY Hwy 430 to junction I Hwy 80, then along I Hwy 80 to junction US Hwy 30N, then along US Hwy 30N to junction US Hwy 189, then along US Hwy 189 to junction US Hwy 89, then along US Hwy 89 to the WY-MT State line; and (4) between points in CO on and north of a line beginning at the CO-UT State line extending along US Hwy 6 to junction CO Hwy 9, then along CO Hwy 9 to junction US Hwy 24, then along US Hwy 24 to the CO-KS State line, on the one hand, and, on the other, points in WY on and west of a line beginning at the WY-UT State line extending along I Hwy 80 to junction US Hwy 189, then along US Hwy 189 to junction US Hwy 187, then along US Hwy 187 to junction US Hwy 89, then

along US Hwy 89 to the WY-MT State line. (Gateway eliminated: points in UT.)

MC 141969 (Sub-E34) (Correction), filed April 13, 1978, published in the FEDERAL REGISTER July 26, 1978, and republished as corrected this issue. Applicant: NOBLE TRANSPORT INC., 1555 Tremont Place, Denver, CO 80217. Representative: Richard P. Kissinger, Suite 140, Cherry Creek Center, 360 South Monroe, Denver, CO 80209. (A) *Iron and steel articles,* as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209: (7) between points in AZ on and north and east of a line beginning at the AZ-CA State line extending along I Hwy 10 to junction US Hwy 95, then along US Hwy 95 to junction unmarked hwy near Dome, AZ, then along unmarked hwy to junction I Hwy 8 at Liguita, AZ, then along I Hwy 8 to junction AZ Hwy 85, then along AZ Hwy 85 to the US-MX International Boundary line, on the one hand, and, on the other, points in OR (Gateway eliminated: points in UT.)

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-33580 Filed 11-29-78; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Volume No. 126]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

NOVEMBER 23, 1978.

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before January 2, 1979. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

MC 103926 (Sub-46M1F) (notice of filing of petition to modify certificate), filed October 4, 1978. Petitioner: W. T. MAYFIELD SONS TRUCKING CO., a corporation, P.O. Box 947, Mableton, GA 30059. Representative: Wm. H. Driskell, (same address as petitioner). Petitioner holds a motor *common carrier* certificate in MC 103926 Sub 46 issued February 22, 1977, authorizing transportation, over irregular routes, of: *Cranes and parts, attachments, and accessories therefor,* from the facilities of FMC Corporation, at or near Bowling Green, KY, to points in AL, AR, FL, GA, LA, MS, NC, SC, TN, TX, and VA. RESTRICTION: The operations authorized herein are restricted to the transportation of traffic originating at the facilities of FMC Corporation, at or near Bowling Green, KY. By the instant petition, petitioner seeks to add Lexington, KY as an additional origin point of FMC Corporation.

MC 115162 (Sub-217M1F) (notice of filing of petition to modify certificate), filed October 12, 1978. Petitioner: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate, (same address as petitioner). Petitioner holds a motor *common carrier* certificate in MC 115162 Sub 217 issued November 22, 1971 authorizing transportation, over irregular routes, of *Fire brick, fire clay, and bonding mortar,* from points in Audrain and Callaway Counties, MO, to points in AL, FL, GA, MS, LA, and TX.

By the instant petition, petitioner seeks to modify the above authority to read: (1) *Fire brick, fire clay, bonding mortar, furnace and kiln lining, refractory products and commodities* incidental to the installation thereof (except commodities in bulk, in tank vehicles), from points in Audrain and Callaway Counties, MO, to points in AL, FL, GA, MS, LA and TX, and (2) *materials and supplies* used in the manufacture of fire brick, fire clay, bonding mortar, furnace and kiln lining, refractory products and commodities incidental to the installation thereof (except commodities in bulk, in tank vehicles), from points in AL, FL, GA, MS, LA, and TX, to points in Audrain and Callaway Counties, MO.

MC 115162 (Sub-376 M1F) (notice of filing of petition to modify certificate), filed October 12, 1978. Petitioner: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate, (same address as petitioner). Petitioner holds a motor *common carrier* certificate in MC 115162 Sub 376 issued July 11, 1978, authorizing transportation, over irregular routes, of *Fire brick, fire clay, furnace or kiln lining, refractory products* and *commodities* incidental to the installation thereof (except commodities in bulk, in tank vehicles), in *materials* and *supplies* used in the manufacture and production of *fire brick, fire clay, furnace* or *kiln lining,* refractory products and commodities incidental to the installation thereof (except commodities in bulk, in tank vehicles), (a) between points in Audrain and Callaway Counties, MO, on the one hand, and, on the other points in AR, TN, NC, SC, KY, MD, and VA, restricted to traffic originating at or destined to the facilities of A. P. Green Refractories Company, and (b) between Thermo, TX, on the one hand, and, on the other, points in AL, AR, GA, FL, LA, MO, KY, MS, TN, NC, SC, and VA. By the instant petition, petitioner seeks to modify the above authority by eliminating the restriction.

MC 126102 (Sub-3 M1F) (notice of filing of a petition to remove or delete restrictions in permit), filed October 2, 1978. Petitioner: ANDERSON MOTOR LINES, INC., 116 Washington Street, Plainville, MA 02762. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. Petitioner Holds a motor *contract carrier* permit in MC 126102 (Sub-3) issued December 7, 1970, authorizing transportation, over irregular routes, of *such commodities* as are sold in drug, chain, discount and departmnet stores (except commodities in bulk, in tank vehicles) (a) between the warehouses of Zayre Corp. in FL, GA, OH, and IL, on the one hand, and, on the other points in MA, NH, PA, IL, WI, MN, KY, MD, SC, ME, RI, OH, IN, MI, TN, VA, GA and FL, and (b) between the warehouses of Zayre Corp. in MA, on the one hand, and, on the other, points in PA, IL, WI, MN, KY, MD, SC, OH, IN, MI, TN, VA, GA and FL. The operations authorized are restricted (1) against the transportation of traffic from points in FL, GA, and SC to points in MA other than from warehouses of Zayre Corp.: (2) against the transportation of new furniture from points in Lycoming, Northumberland and Montour Counties, PA; and (3) are limited to a service to be performed under a continuing contract, or contracts, with Zayre Corp. of Framingham, MA. by the instant petition, petitioner seeks to modify the above Permit by deleting the restrictions set forth in (1) and (2), above.

MC 135811 (M1F) (notice of filing of petition to modify permit), filed Octo-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

ber 12, 1978. Petitioner: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Theodore Polydoroff, 1307 Dolley Madison Boulevard, Suite 301, McLean, VA 22101. Petitioner holds a motor *contract carrier* permit in MC 135811 issued August 8, 1977, authorizing transportation, as pertinent, over irregular routes, of (a) *Welders, welding products and parts, materials, equipment and supplies* used in connection therewith, and (b) *materials and supplies* used in the manufacture of welding products, between points in the United States (except AK and HI) RESTRICTION: The service authorized herein is subject to the following conditions: The operations authorized under part (a) are restricted to the transportation of shipments originating at or destined to the plant sites and warehouses of Chemetron Corporation. The operations authorized under part (a) are restricted against the transportation of commodities in bulk and commodities which because of size and weight require the use of special equipment. The operations authorized under part (a) are limited to a transportation service to be performed, under a continuing contract, or contracts, with Chemetron Corporation. By the instant petition, petitioner seeks to modify the above authority by adding compounds to part (a) of the commodity description so that it reads: *"Welders, welding products* and *parts, materials, equipment* and *supplies* used in connection therewith, and *compounds."*

MC 139893 (Sub-5 M1F) (notice of filing of petition to modify certificate), filed October 10, 1978. Petitioner: THAMES VALLEY BRICK & BUILDING PRODUCTS LTD., P.O. Box 314, Chatham, ON, Canada N7M 5K4. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street, NW., Washington, DC 20005. Petitioner holds a motor *common carrier* certificate in MC 139893 Sub 5, issued June 6, 1977, authorizing transportation of lumber, from ports of entry on the United States-Canada Boundary line located in MI to points in IL, IN, KY, MD, MI, OH, PA, VA, WV, WI, and DC, restricted to the transportation of shipments originating at the facilities of Green Forest Lumber, Ltd., at or near Chatham, Ontario, Canada. By the instant petition, petitioner seeks to modify the restriction to read: "restricted to the transportation of shipments originating at the facilities of Greeen Forest Limber Ltd. in the Province of Ontario, Canada.

MC 143785 (M1F), (Notice) of filing of petition to add contracting shippers), filed October 5, 1978. Petitioner: B & W TRANSPORTATION, INC., 24 Collins Avenue, Randolph, MA 02363. Representative: David M. Marshall, 101 State Street—Suite 304, Springfield, MA 01103. Petitioner holds a motor *contract carrier* Permit in MC 143785 issued June 13, 1978, authorizing transportation, over irregular routes, of beer, from South Volney and Fulton, NY, to points in Massachusetts east of Worcester County, restricted to service to be performed under a continuing contract(s) with Burke Distributing Corp. of Randolph, MA. By the instant Petition, Petitioner seeks to add Merrimack Valley Distributing Co. and J. J. Taylor Distributing Company, Inc. as contracting shippers.

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with 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 carrrier's representative, or carrier if no representative is named.

MC 19193 (Sub-No14F) (second republication), filed March 13, 1978, published in the Federal Register issues of April 27, 1978 and October 5, 1978, and republished this issue. Applicant: LAFFERTY TRUCKING CO., a corporation, 703 Beale Avenue, Altoona, PA 16601. Representative: S. Berne Smith, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. A decision of the Commission, Review Board Number 1, decided October 11, 1978, and served October 16, 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 *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses and in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business, between points in Ashtabula, Columbiana, Cuyahoga, Erie, Geauga, Huron, Lake, Lorain, Manhoning, Ottawa, Portage, Sandusky, Stark, Summit, and Trumbull Counties, OH, and Baltimore, MD, on the one hand, and, on the other, points in Garrett, Allegany, and Washington Counties, MD, in Greene, Washington, Fayette, Westmoreland, Armstrong, Clarion, Forest, Elk, McKean, Cameron, Clinton, Lycoming, Union, Snyder, Juniata, Perry, Dauphin, Cumberland, Franklin, Fulton, Bedford, Somerset, Cambria, Indiana, Jefferson, Clearfield, Centre, Blair, Huntingdon, and Mifflin Counties, PA, and Monongalia, Marion, Taylor, Preston, Barbour, Randolph, Tucker, Grant, Mineral Hampshire, Morgan, and Hardy Counties, WV, under a continuing contract or contracts with The Great Atlantic & Pacific Tea Company, Inc., of Montvale, 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 indicate applicant's actual grant of authority.

MC 114211 (Sub-333), (republication), filed December 5, 1977, published in the Federal Register issue of February 2, 1978, and republished this issue. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Daniel Sullivan, Suite 1600, 10 South La Salle, Chicago, IL 60604. A Decision of the Commission, Review Board Number 2, decided September 29, 1978, and served November 8, 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 *Such commodities* as are dealt in or used by agricultural equipment dealers (except commodities in bulk), between points in the United States (except AK, HI, and IA), on the one hand, and, on the other, points in Butler County, IA; and (2) *equipment, materials, and supplies* used in the manufacture of the commodities described in (1) above (except commodities in bulk), from points in the United States (except AK, HI, and IA), to points in Butler County, IA, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of A. L. Buseman Industries, in Butler County, IA, 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 and add a restriction.

MC 139495 (Sub-318F) (republication), filed February 16, 1978, published in the FEDERAL REGISTER issue of March 23, 1978, and republished this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. A Decision of the Commission, Review Board Number 1, decided October 30, 1978, and served November 3, 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 *Household appliances*, from the facilities of SCM Proctor-Silex, at Baltimore, MD, to points in AR, AZ, CA, CO, ID, IA, KS, LA, MN, MO, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, 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 applicant's actual grant of authority.

MC 140852 (Sub-3F) (republication), filed February 6, 1978, published in the FEDERAL REGISTER issue of March 9, 1978, and republished this issue. Applicant: C. W. MITCHELL, INC., d.b.a. MITCHELL TRANSPORT, a corporation, 4401 North Westshore Boulevard, Tampa, FL 33684. Representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, KY 40601. A Decision of the Commission, Review Board Number 1, decided October 30, 1978, and served November 3, 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 *Breading preparations*, from Chicago, IL, to points in FL, 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 141033 (Sub-35) (republication), filed January 26, 1978, published in the FEDERAL REGISTER issue of March 9, 1978, and republished this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 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, Review Board Number 3, decided September 28, 1978, and served October 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 (1) *Automotive parts and accessories* (except commodities in bulk and those which by reason of size or weight require the use of special equipment), from Burbank, CA, to points in the United States in and east of MN, IA, MO, AR, and TX; and (2) *materials, equipment and supplies* used in the manufacture of automobile parts and accessories (except commodities in bulk and those which by reason of size or weight require the use of special equipment), from points in the United States in and east of MN, IA, MO, AR, and TX, to Burbank, CA restricted to the transportation of shipments originating at or destined to the facilities of Total Performance Products, Inc., at Burbank, CA, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the addition of TX as an origin State in part (2) above, and add a restriction.

MC 144237 (republication), filed January 26, 1978, published in the FEDERAL REGISTER issue of March 23, 1978, and republished this issue. Applicant: EUGENE T. FALBO, d.b.a. MOUNTAIN VIEW TOURWAYS, R.D. No. 1, Box 46, Latrobe, PA 15650. Representative: John A. Pillar, 205 Ross Street, Pittsburg, PA 15219. A Decision of the Commission, Review Board Number 1, decided October 2, 1978, and served October 10, 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 and charter operations beginning and ending at points in Unity and Derry Townships, Westmoreland County, PA, and extending to points in the United States (including AK, but excluding HI), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate PA as the State in which Unity and Derby Townships are located.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected.

The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such request shall meet the requirements of Section 147(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission decision which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that approval of its application will not significantly

affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 121626 (Sub-4F), filed April 14, 1978, and previously noticed in the FEDERAL REGISTER issues of August 10, 1978, and September 28, 1978, and republished as corrected this issue. Applicant: BAYVIEW TRUCKING, INC., 7800 Florin-Perkins Road, Sacramento, CA 95828. Representative: Ann M. Pougiales, 100 Bush Street, 21st floor, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Such merchandise* as is dealt in by grocery and food business houses, and (b) *commodities* otherwise exempt under section 203(b)(6) of the Interstate Commerce Act when transported in the same vehicle with the commodities described in (a) above, in vehicles equipped with mechnaical refrigeration, between points in CA, on the one hand, and, on the other, points in El Dorado, Nevada, Placer, and Sierra Counties, CA, and Carson City, Douglas, and Washoe Counties, NV.

NOTE.—Common control may be involved. This republication conforms to applicant's request for authority. (Hearing site: San Francisco, CA, or Reno, NV).

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

MC-F-13748F (amendment) (KSS Transportation Corp.—purchase—K.N.K. Transco, Inc.), published in the October 5, 1978 issue of the FEDERAL REGISTER. Please exclude that part of the notice beginning with "Vendee is authorized" and substitute the following: Approval of the transaction will result in dual operations as vendee is authorized to operate as a contract carrier for Beatrice Foods Co. between Metuchen, North Brunswick, Newark and Linden, NJ on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Other carriers under common control with vendee are James J. Gallery, Inc., and Haul-Away, Inc. James J. Gallery, Inc. is a motor common carrier of foodstuffs between Boston and Watertown, MA. on the one hand, and several points in MA, ME, NH, VT and RI. Haul-Away, Inc. is a motor contract carrier for Beatrice Foods Co., transporting travel trailers, camping trailers and related items between Cerritos, CA and Versailles, OH on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Beatrice Foods Co. is seeking to reacquire control of these carriers in another Section 5 proceeding filed September 21, 1978. Reacquisition of such control will result in the common control of additional carriers. These carriers are Tropicana Transportation Corp., a contract carrier in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, DC, AZ and CA and states between AZ and FL as states of traversal, and Solar Rest, Inc., a contract carrier from Union City, PA and Trenton, NJ to 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. No duplicating authority or split of authority is involved. Application for temporary authority under Section 210a(b) has been filed.

MC-F-13791F. Authority sought for purchase by PACE MOTOR LINES, INC., 132 West Dudleytown Road, Bloomfield, CT 06002, of the operating rights of ROBERT PACELLI d.b.a. TIP TOP TRUCKING, INC., 33 Enfield Street, Enfield, CT 06082, of control of such rights through the transaction. Applicants' attorney: John E. Fay, 630 Oakwood Avenue, Suite 127, West Hartford, CT 06110. Operating rights sought to be transferred: *General commodities*, except those in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, *commodities in bulk, commodities requiring special equipment, and those injurious of contaminating to other lading*, over irregular routes, between Springfield, MA, on the one hand, and, on the other, points and places in Hampden County, MA, as a common carrier, Vendee presently holds authority from this Commission under Certificate No. MC-9268, and is authorized to operate as a *common carrier* within the States of CT, MA, RI, NY and NJ. Application has been filed for temporary authority under section 210a(b).

MC-F-13792F. Authority sought for purchase by PACE MOTOR LINES, INC., 132 West Dudleytown Road, Bloomfield, CT 06002, of the operating rights of TORINO PACELLI d.b.a. HAMPDEN TRUCKING CO., 1 Charles Street, Springfield, MA, of control of such right through the transaction. Representative: John E. Fay, 630 Oakwood Avenue, Suite 127, West Hartford, CT 06110. Operating rights sought to be transferred: *General commodities* as a *common carrier* over irregular routes between all points and places in the Commonwealth of MA. Vendee is authorized to operate as a common carrier within the States of CT, MA, RI, NY and NJ. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 9268 (Sub-17F) is directly related.

MC-F-13796F. Authority sought for purchase by CENTRAL FREIGHT LINES, INC., 5601 West Waco Drive, Waco, TX 76703, the operating rights of W. L. HARDY, d.b.a. MOTORWAY EXPRESS, P.O. Box 175, Pearsall, TX 78061, and for acquisition by W. W. Callan, Sr., of Waco, TX, of control of the rights through the purchase. Applicant's attorney: Phillip Robinson, P.O. Box 2207, Austin, TX 78768. Operating rights sought to be purchased: *General commodities*, as defined by the Commission (except those of unusual value, high explosives, household goods as defined by the Commission, commodities in bulk, commodities, requiring special equipment, and those injurious or contaminating to other lading), as a *common carrier*, over regular routes, as described in Certificate of Public Convenience and Necessity in Docket No. MC-121460 (Sub-No. 1): Between Pearsall, TX, and San Antonio, TX, serving the intermediate points of Lytle, Natalia, Devine, and Moore, TX: From Pearsall, TX, over U.S. Hwy 81 to San Antonio and return over the same route; and *General commodities*, as a *common carrier*, over regular routes, as described in Certificate of Registration in Docket No. MC-121460 (Sub-No. 2): From Pearsall to San Antonio via Devine: Between San Antonio, TX, and the following points: (1) Balcones Heights over U.S. Hwy 87; (2) Castle Hills over U.S. Hwy 281 and Northwest Loop 13; (3) Olmos Park over U.S. Hwy 81; (4) Alamo Heights over U.S. Hwy 81; (5) Terrell Hills over U.S. Hwy 81; (6) Kelly Air Force Base over U.S. Hwy 81; (7) Lackland Air Force Base over U.S. Hwy 90; (8) Longhorn Portland Cement Company plant over U.S. Hwy 81 and Weidner Road; (9) all points and places located on or adjacent to Loop 13, over Loop 13; Between Moore, TX, and the plant site of Frio-Tex Oil & Gas Company: From the junction of U.S. Hwy 81 and unnumbered county road at Moore, TX, over said unnumbered county road approximately six (6) miles to the plant site of Frio-Tex Oil & Gas Company, returning over the same route, serving no intermediate points; and Between

U.S. Hwy 81 and the plant site of Frio-Tex Oil & Gas Company: Fron the junction of U.S. Hwy 81 and unnumbered county road adjacent to the intersection of U.S. Hwy 81 and TX Hwy 76, over said unnumbered county road and other access roads to the plant site of Frio-Tex Oil & Gas Company, returning over the same route, serving no intermediate points. Transferee is authorized to operate as a common carrier in TX. Application has not been filed for temporary authority under section 210a(B).

MC-F-13801F. Authority sought for purchase by BE-MAC TRANSPORT CO., INC., 7400 North Broadway, St. Louis, MO 63147, a porton of the operating rights of TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75247, and for acquisition by L. E. Hoff, of Cleveland, OH, of control of the rights through the purchase. Applicant's attorney: Phillip Robinson, P.O. Box 2207, Austin, TX 78768. Operating rights sought to be purchased: (1) The following described portion of Certificate of Public Convenience and Necessity No. MC-116004, Sub 13: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes: Between Tulsa, OK and Henryetta, OK, serving the intermediate point of Okmulgee, OK: From Tulsa over U.S. Hwy 66 to Sapulpa, OK, then over Alternate U.S. 75 (formerly portion of U.S. Hwy 75) to junction U.S. Hwy 75, then over U.S. Hwy 75 to Henryetta, and return over the same route. (2) The following described Certificate of Public Convenience and Necessity No. MC-116004, Sub 28: Regular routes: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading. Between Dallas, TX, and Henryetta, OK, serving no intermediate points. From Dallas over U.S. Hwy 75 to Atoka, OK, then over U.S. Hwy 69 to junction Indian Nation Turnpike, and then over Indian Nation Turnpike to Henryetta, and return over the same route. Transferee is authorized to operate as a *common carrier* in OK, MO, IL, IN, and MI.

MC-F-13803F. Authority sought by SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106, to control through ownership, capital stock of SPECTOR FREIGHT SYSTEM OF CANADA, LTD., 1608 The Queens Way, Toronto, ON, Canada M8Z 1V6. Applicants' Attorney, Edward G. Bazelon, 30 South LaSalle Street, Chicago, IL 60603. Operating rights of SPECTOR FREIGHT SYSTEM OF CANADA, LTD., sought to be controlled are as a *common motor carrier* in interstate or foreign commerce, over regular routes, transporting: *General commodities*, with the usual exceptions, between International Boundary at the Detroit River at or near Detroit, MI and Detroit, MI. SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, is authorized to operate as a *common motor carrier* in AL, AR, CT, DE, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, WI, and District of Columbia. Application has not been filed for temporary authority under section 210a(b).

MC-F-13807F. Authority sought for purchase by CAROLINA FREIGHT CARRIERS CORP., P.O. Box 697, Cherryville, N.C. 28021, of a portion of the operating rights of NATIONAL TRANSIT CORP., 4401 Stecker, P.O. Box 610, Dearborn, MI 48121, and for acquisition by C. GRIER BEAM, also of Cherryville, NC, of control of the rights through the purchase. Applicant vendee's attorney: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th Street NW., Washington, D.C. 20004; applicant vendor's attorney: Charles F. Rodgers, P.O. Box 1409, Fairfield, NJ 07006. Operating rights sought to be purchased: (A) Base Certificate MC-6945: *General commodities*, except those of unusual value, Classes A and B explosives, loose bulk commodities (other than metal scraps), and commodities requiring special equipment, over regular routes; Between Bay City, MI, and Pontiac, MI, serving all intermediate points, from Bay City over U.S. Hwy. 23 to Saginaw, MI, thence over U.S. Hwy. 10 to Pontiac, MI and return over the same routes. (B) Base Certificate MC-6945: *General commodities*, except those of unusual value, Classes A and explosives, loose bulk commodities (other than metal scraps), and commodities requiring special equipment, over regular routes: Between Wapakoneta, OH and Indianapolis, IN, serving Wapakoneta and the junction of Indiana Hwys. 67 and 232 approximately 5 miles east of Anderson, IN, for purposes of joinder only, from Wapakoneta over U.S. Hwy, 33 to junction Ohio Hwy. 29, thence over Ohio Hwy. 29 to the Ohio-Indiana State Line, thence over Indiana Hwy, 67 to Anderson, IN, thence over Indiana Hwy. 32 to Noblesville, IN, and thence over Indiana Hwy. 37 to Indianapolis, and return over the same route. Restriction: Restricted against the transportation of traffic orginating at or destined to a point in IN, on the one hand, and on the other, originating at or destined to a point in IN, OH, MI, IL, Louisville, KY, Davenport, IA, and the commercial zone of Cincinnati, OH. (C) MC-6945 (Sub-No. 11): *General commodities* except those of unusual value, explosives, livestock, commodities in bulk, and those requiring special equipment, over regular routes, between Muncie, IN and Indianapolis, IN: From Muncie over Indiana Hwy. 67 to Indianapolis and return over the same route. Service is authorized to and from the off-route point of Fort Benjamin Harrison, IN with no service at intermediate points. Between junction Indiana Hwys. 232 and 67 at a point approximately five miles east of Anderson, IN, and junction Indiana Hwys. 9 and 67 approximately four miles south of Anderson: from junction Indiana Hwys. 232 and 67 over Indiana Hwy. 32 to junction Indiana Hwy. 9, and then over Indiana Hwy. 9 to junction Indiana Hwy. 67 and return over the same route. Service is authorized to and from the intermediate point of Anderson, IN. Vendee is authorized to operate pursuant to Certificate No. MC-2253 and subs as a *common carrier* of general and specified commodities in the States of AL, CT, DE, DC, FL, GA, IL, IN, KY, MD, MA, MI, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV and WI. Application has been filed for temporary authority under Section 210a(b)

NOTE.—MC-2253 (Sub-No. 89F) is directly related.

MOTOR CARRIER OF PASSENGERS

MC-F-13809F. Authority sought for purchase by EVERGREEN TRAILS, INC., d.b.a. EVERGREEN TRAILWAYS 666 Stewart Street, Seattle, WA 98101, of a portion of the operating rights of BREMERTON-TACOMA STAGES, INC., d.b.a. CASCADE TRAILWAYS, 7th Avenue & Stewart Street, Seattle, WA 98101, and for acquisition by ELWOOD L. ARNESON, 1936 Westlake Avenue., Seattle, WA, of control of such rights through the transaction. Applicants' representative: Lawrence E. Lindeman, Suite 1032, 425 13th Street NW., Washington, D.C. 20004. Operating rights sought to be transferred: MC: 28339 (Sub-Nos. 8 and 9) authorizing transportation of passengers and their baggage (1) in round-trip sightseeing and pleasure tours, in special operations, as a *common carrier*, over irregular routes, beginning and ending at points in Mason, Thurston, Pierce, Kitsap, Clallam, and Jefferson Counties, WA, and extending to points in the United States (except HI); and (2) in charter operations, beginning and ending at points in Clallam and Jefferson Counties, WA, and extending to points in the United States (except HI). Vendee

is authorized in MC-107638 to operate as a *common carrier* beginning and ending points in King and Snohomish Counties, WA, and extending to points in the United States (except HI). Application has not been filed for temporary authority under section 210a(b).

MC-F-13812F. Authority sought for control and merger by K. J. TRANSPORTATION, INC., 1000 Jefferson Road, Rochester, NY 14623, of the operating rights and properties of ON TIME DELIVERY, INC., South Main Street, Lyndonville, NY 14098, and for acquisition by KENT, L. JOHNSON, of Rochester, NY 14623, of control of such rights through the merger. Applicants' attorneys: S. Michael Richards/Raymond A. Richards, 44 North Avenue, P.O. Box 225, Webster, NY 14580. Operating rights sought to be controlled and merged: *Specified commodities* as a *common carrier* over irregular routes in the States of CT, MA, MD, NJ, PA, OH, NY and DC, as more fully described in Certificate MC-2165 and Subs thereto. Vendee is authorized to operate as a *common carrier*, over irregular routes, transporting malt beverages (except in bulk), from Pabst, GA to Dayton, OH as described in Certificate MC-143127 and as a *contract carrier*, over irregular routes, transporting specified commodities in the states of GA, SC, NC, TN, WV, MN, WI, MI, IL, OH, PA, MD, NJ, NY, CT, MA, and RI, as more fully described in Permit MC-138991 and Subs thereto. Approval of the transaction will not result in splitting of operating authority or duplicating authority. Dual operations are involved. Application has not been filed for temporary authority under section 210a(b).

MC-F-13814F. Authority sought for purchase by G.M.W., INC., 965 Eustis Street, St. Paul, MN 55114, of a portion of the operating rights of GLENDENNING MOTORWAYS, INC., P.O. Box 43947, St. Paul, MN 55164, and for acquisition by WILLIAM L. ALVEY, MINNESOTA-WISCONSIN TRUCK LINES, INC., and GENESIS II, INC., 965 Eustis Street, St. Paul, MN 55114, of control of such rights through the transaction. Transferee's attorney: William S. Rosen, 630 Osborn Building, St. Paul, MN 55102. Transferor's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, MN 55402. Operating rights sought to be transferred: *Common carrier* over regular routes: *General commodities* except those of unusual value, and except dangerous explosives, and commodities in bulk, between Sioux City, IA, and Parkston, SD: Service is not authorized to or from intermediate points. Service is authorized to and from the off-route points of Armour, Corsica, Delmont, and Stickney, SD. General commodities, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, between St. Pau, MN, and Chicago, IL: Between points in WI as follows: From Eau Claire over U.S. Hwy 53 to Chippewa Falls, thence over WI Hwy 29 to Abbotsford; from Marshfield over WI Hwy 13 to Ashland; from Eau Claire over U.S. Hwy 53 to Galesville; form Hudson over WI Hwy 35 to Prairie du Chien; from LaCrosse over U.S. Hwy 16 to Tomah; from Racine over WI Hwy 20 to junction U.S. Hwy 45; from Kenosha over Wisconsin Highway 50 to junction U.S. Hwy 45; return over these routes to the above-specified origin points. Service is authorized to and from the intermediate points of Woodstock, IL, Waukesha, Madison, Mauston, Eastman, Tomah, and LaCrosse, WI, those on U.S. Hwy 16 between Tomah and LaCrosse, and those north or west of Tomah or LaCrosse; to and from the off-route points of West Allis, Wauwatosa, Rusk, Mondovi, Roberts, Baldwin, Woodville, Thorpe, Strum, Neillsville, Alma Center, Arcadia, Coon Valley, Westby, and Viroqua, WI, and Hastings, Stillwater, and St. Paul Park, MN, and to and from intermediate and off-route points in the Chicago, IL, Commercial Zone as defined in *Chicago, IL, Commercial Zone*, 1 M.C.C. 673, without restriction; and to and from the intermediate point of Milwaukee, WI, except for traffic moving from or to Chicago. Between St. Paul, MN, and Mitchell, SD: Return over these routes to St. Paul. Service is authorized to and from the off-route points of South St. Paul, Invergrove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Richfield, Red Rock, McCarron's Lake, Fort Snelling, and State Fair Grounds, MN. Between Winthrop, MN, and Brookings, SD: Between Brookings, SD, and junction of SD Hwy 34 and 37: Between Arlington, SD, and junction SD Hwy 38, and U.S. Hwy 16, approximately 12 miles east of Mitchell, SD: Between Sioux Falls, SD, and junction U.S. Hwy 77 and SD Hwy 34 (Lone Tree, S.Dak.): Between Stanley Corners, SD, and Yankton, SD: Between Vermillion, SD, and Pumpkin Center, SD: Between Sioux Falls, SD, and Vermillion, SD: Service is authorized to and from all intermediate points on the above-specified routes, except Beresford, SD. Between St. Paul, MN, and Fargo, ND: Return over these routes to St. Paul. Service is authorized to and from the intermediate point of Moorhead MN. Between Chicago, IL, and Minneapolis, MN: Service is authorized to and from all intermediate points in MN. Between Winthrop, MN, and Brookings, SD: Between Brookings, SD, and junction of SD Hwys 34 and 37: Between Arlington, SD, and junction SD Hwy 38, and U.S. Hwy 16, approximately 12 miles east of Mitchell, SD: Between Sioux Falls, SD, and junction U.S. Hwy 77 and SD Hwy 34 (Lone Tree, SD): Between Stanley Corners, SD, and Yankton, SD: Between Vermillion, SD, and Pumpkin Center, SD: Between Sioux Falls, SD, and Vermillion, SD: Service is authorized to and from all intermediate points on the above-specified routes, except Beresford, SD. Between St. Paul, MN, and Fargo, ND: Return over these routes to St. Paul. Service is authorized to and from the intermediate point of Moorhead, MN. Between Chicagos, Il, and Minneapolis, MN: Service is authorized to and from all intermediate points in MN. Between LaCrosse, WI, and Minneapolis, MN: Service is authorized to and from all intermediate points in MN. Between Bemidji, MN, and Red Lake, MN: Return from Red Lake over MN Hwy 1 to junction MN Hwy 89, then over MN Hwy 89 to Wilton, MN and then over U.S. Hwy 2 to Bemidji. Service is authorized to and from all intermediate points. Between points in MN as follows: From Winona over U.S. Hwy 14 to New Ulm. From Albert Lea over U.S. Hwy 16 to the MN-WI State line. From Owatonna over U.S. Hwy 65 to Albert Lea. From Albert Lea over MN Hwy 13 to Waseca. From junction U.S. Hwy 52 and MN Hwy 55, over MN Hwy 55 to junction U.S. Hwy 61. From Farmington over MN Hwy 50 to Hampton. From junction U.S. Hwy 52 and MN Hwy 56 (near Pine Bend) over MN Hwy 56 to St. Paul. From junction MN Hwy 20 and U.S. Hwy 52 over U.S. Hwy 20 to junction U.S. Hwy 61. Service is authorized to and from all intermediate points and the off-route points of Blue Earth, Caledonia, Chaska, Kenyon, LeCanter, Lakeville, LeRoy, Morristown, Montgomery, New Prague, St. James, Wells Winnebago and Waterville, MN. Between Milwaukee, WI, and Chicago, IL: Service is authorized to and from all intermediate points. Between Waukegan, IL, and junction of IL Hwy 173 and U.S. Hwy 41: Service is authorized to and from all intermediate points. Between Waukegan, IL, and junction of IL Hwy 120 and U.S. Hwy 41: Service is authorized to and from all intermediate points. Between Duluth, MN, and Eau Claire, WI: Service is authorized to and from the intermediate points of Solon Springs, Minong, Lampson, Trego, Spooner, Sarona, Haugen, Rice Lake, Chetek, New Auburn, Bloomer, Eagleton, Superior, and Chippewa Falls, WI. Between Junction of SD Hwys 37 and 34 approximately three miles east

of Woonsocket, SD, and Fort Thompson, SD: Service is authorized to and from the intermediate points of Woonsocket, Wessington Springs, Gann Valley, and Shelby Store, SD, and the off-route point of Virgil, SD. Between junction of South Dakota Hwy 37 and unnumbered highway approximately twelve miles north of Mitchell, SD, and Lane, SD. Service ia authorized to and from the intermediate points of Letcher, Cuthbert, Forestburh, and Alpena, SD. Between Newcastle, NE, and Sioux City, IA. Service is authorized to and from the intermediate and off-route points in Nebraska within 20 miles of Newcastle. Between Newcastle, NE, and Yankton, SD. Service is authorized to and from the intermediate and off-route points in Nebraska within 20 miles of Newcastle. Between Salem, SD, and Sioux Falls, SD. Service is not authorized to and from the intermediate points. General commodities with the above-specified exceptions, for operating convenience only, between Dubuque, IA, and Waterloo, IA: Between junction U.S. Hwy 10 and U.S. Hwy 61 and Wisconsin Dells, WI. Between Rockford, IL, and junction Wisconsin Hwy 13 and Wisconsin Hwy 73: Between Minneapolis, and St. Paul, MN, and Ashland, WI. Between Chippewa Falls, WI, and junction WI Hwy 29 and U.S. Hwy 12: Between Madison, WI, and junction U.S. Hwy 18 and U.S. Hwy 52: between Beloit, WI, and Evansville, WI. Between Milwaukee, WI, and junction WI Hwy 36 and U.S. Hwy 45: Between Milwaukee, WI. and junction Milwaukee County Truck Hwy A and U.S. Hwy 45: Between Racine, WI, and junction WI Hwy 11 and U.S. Hwy 45: between Delavan, WI, and junction WI Hwy 50 and U.S. Hwy 45: Return over these routes. Service is not authorized to or from intermediate points. 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 M.C.C. 467, and commodities in bulk. Service is authorized to and from Southwest Fargo, West Fargo, and Union Stockyards, ND, as off-route points in connection with said carrier's authorized regular-route operations. Between Albert Lea, MN, and Fairmont, MN. Service is authorized to and from the intermediate point of Blue Earth, MN. Between Rochester, MN, and junction U.S. Hwy 63 and 16, for operating convenience only: Service in not authorized to or from intermediate points. General commodities, except those of unusual value, and except commodities in bulk, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment, other than those requiring special handling because of weight or size, and those injurious or contaminating to other lading. Between St. Paul, MN, and Moorhead, MN. Between Duluth, MN, and Motley, MN. Service is authorized to and from the intermediate points of Elk River, Big Lake, Becker, Clear Lake, St. Cloud, Sauk Rapids, Sartel, Watab, Royalton, Little Falls, Darling, Randall, Cushing, Lincoln, and Motley, MN, restricted to pick-up and delivery of shipments originating at or destined to points other than Minneapolis, St. Paul, Hopkins, St. Louis Park, Edina, Richfield, Mendota, Oxboro, Wayzata, Stillwater, South St. Paul, Newport, North St. Paul, White Bear Lake, Columbia Heights, Bayport, and Robbinsdale, MN; Wadena, MN, restricted to pick-up and delivery of shipments originating at or destined to points other than Detroit Lakes and Duluth, MN, and those between Detroit Lakes and Duluth; Detroit Lakes, MN, and points between Detorit Lakes and Wadena, MN, restricted to pick-up and delivery of shipments originating at or destined to points other than Wadena and those between Detroit Lakes and Wadena; Motley, MN, and points between Motley and Wadena, MN, restricted to pick-up and delivery of shipments, originating at or destined to points other than Duluth and Wadena, and those between Duluth and Wadena; Duluth and points between Duluth and Motley, restricted to pick-up and delivery of shipments originating at or destined to points other than those between Duluth and Wadena; and all other intermediate points without restriction. Between Moorhead, MN, and St. Cloud, MN, for use as a connecting route only: Service is not authorized between the termini or to or from intermediate points. Between Evansville, MN, and junction U.S. Hwy 52 and U.S. Hwy 59, for use as a connecting route only: Service is not authorized between the termini or to or from intermediate points. Between Duluth, MN, and Grand Forks, ND: Service is authorized to and from intermediate points between Bemidji, MN, and Grand Forks, ND, without restriction; and Bemidji and Duluth, MN, and points between Bemidji and Duluth, restricted to pick-up and delivery of shipments originating at or destined to points other than Bemidji and Duluth, and those between Bemidji and Duluth, except that dairy products destined to Duluth and points beyond Duluth eastbound may be picked up at Bemidji. Between Little Falls, MN, and Brainerd, MN: Service is authorized to and from intermediate points between Little Falls and Brainerd, restricted to pick-up and delivery of shipments originating at or destined to points other than Little Falls and Brainerd, and those between Little Falls and Brainerd; and Brainerd, MN, restricted to pick-up and delivery of shipments originating at or destined to points other than St. Paul, MN, and those between Brainerd and St. Paul; and the site of Camp Ripley Reservation as an off-route point subject to the restrictions herein applicable to the intermediate points. Between Cass Lake, MN, and junction U.S. Hwy 210 and U.S. Hwy 371 (West of Brainerd): Service is authorized to and from all intermediate points. Between St. Vincent, MN, and the boundary of the United States and Canada: Return over this route to St. Vincent, MN. Service is authorized to all intermediate points. Between Moorhead, MN, and the boundary of the United States and Canada: Return over these routes to Moorhead: Service is authorized to and from all intermediate points. Between Climax, MN, and Warren, MN: Service is authorized to and from all intermediate points. Between Glyndon, MN, and Ada, MN: Service is authorized to and from all intermediate points. Between Crookston, MN, and junction U.S. Hwy 75 and MN Hwy 81: Service is authorized to and from all intermediate points. Between Detroit Lakes, MN, and Erskine, MN: Service is not authorized to or from intermediate points. Between Eldred, MN, and Fisher, MN: Service is authorized to and from all intermediate points. Between Wadena, MN, and Bemidji, MN: Service is not authorized to or from intermediate points. Service is authorized to and from the off-route points of Delorme, Lockhart, Averill, Borup, Terrebonne, Oslo, Brooks, Bronson, Roseau, Newfolden, Perley, Lengby, Cloquet, Oklee, Plummer, lake Itasdca, Gentilly, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Mendota, Oxboro, Wayzata, Stillwater, South St. Paul, Goodridge, Grygla, Newport, North St. Paul, White Bear Lake, Columbia Heights, Bayport, Fort Snelling, West St. Paul, State Fairgrounds, Red Rock, McCarron's Lake, Invergrove, Minnesota Transfer, and Shoreham, MN, those within 15 miles of Shoreham, and those in Itasca State Park, MN. Between Thief River Falls, MN, and junction U.S. Hwy 2 and MN Hwy 32: Service is authorized to and from all intermediate points. Between St. Paul, MN, and junction U.S. Hwy 210 and U.S. Hwy 61, as follows, for use as connecting points only: Service is not authorized between the termini or to or from intermediate points. Irregular routes: General commodities, except those of unusual value, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, between Minneapolis, and St. Paul, MN, on the one hand,

and, on the other, Fridley, MN, and the Twin City Ordnance Plant, near New Brighton in Mounds View Township, Ramsey County, MN. Meat, packing-house products, peanut butter, salad dressing, relishes, cheese, eggs, and butter, from South St. Paul, MN, to points and places in that part of IA east and north of a line beginning at the Minnesota-Iowa State line near Mona, IA, and extending along U.S. Hwy 218 to Waterloo, thence along U.S. Hwy 20 to Dubuque, including points and places on the indicated portions of the hwys specified, and those in that part of Wisconsin bounded by a line beginning at the Wisconsin-Minnesota State line near Grantsburg, WI, and extending along WI Hwy 70 to Spooner, thence along U.S. Hwy 53 to Chippewa Falls, thence along WI Hwy 29 to junction unnumbered hwy near Curtiss, thence along unnumbered hwy to junction WI 64, thence along WI Hwy 64 to junction WI Hwy 97, thence along WI Hwy 97 to Marshfield, thence along WI Hwy 13 to junction WI Hwy 73, thence along WI Hwy 73 to junction WI Hwy 95, thence along WI Hwy 95 to Merrillan, thence along U.S. Hwy 12 to Sauk City, thence along WI Hwy 78 to Argyle, thence along WI Hwy 81 to Monroe, thence along WI 69 to the Wisconsin-Illinois State line, thence along the Wisconsin-Illinois, Wisconsin-Iowa, and Wisconsin-Minnesota State lines to points of beginning, including points and places on the indicated portions of the hwys specified and those points and places in WI on U.S. Hwy 2 between Superior and Ashland, WI Hwy 13 between Ashland and Medford, WI Hwy 102 between Chelsea and Rib Lake, and WI Hwy 86 between Ogema and Spirit Falls. From St. Paul, MN, to Eleva, Elkmound, Glenwood City, Rib Lake, and Spencer, WI. From Winona, MN, to points and places in that part of WI bounded by a line beginning at LaCrosse and extending along U.S. Hwy 16 to Tomah, thence along U.S. Hwy 12 to Sauk City, thence along WI Hwy 78 to Argyle, thence along WI Hwy 81 to Monroe, thence along WI Hwy 69 to the WI-IL State line, thence along the WI-IL, WI-IA, and WI-MN State lines to point of beginning, including points and places on the indicated portions of the hwys specified. Catalogs, from Crookston, MN, and Grand Forks and Fargo, ND, to points and places in that part of MN west and north of a line beginning at International Falls, MN, and extending along U.S. Hwy 71 to Bemidji, MN, thence along U.S. Hwy 2 to Cass Lake, MN, thence along U.S. Hwy 371 to Little Falls, MN, and thence along MN Hwy 27 to Browns Valley, MN, including points and places on the indicated portions of the hwys specified. Dairy products, eggs, and poultry, from Portage, Chaseburg, Disco, Ferryville, Grantsburg, and Warrens, WI, points and places in that portion of IA east and north of a line beginning at the MN-IA State line near Mona and extending along U.S. Hwy 218 to Waterloo, thence along U.S. Hwy 20 to Dubuque, including points on the indicated portions of the hwys specified, points and places in that portion of MN bounded by a line beginning at Elbow Lake and extending easterly through Ashby, Brandon, Millerville, Parkers Prairie, Eagle Bend, Browerville, Randall, Topeka, Fort Ripley, Shephard, Vineland, Wahkon, and McGrath, MN, to junction U.S. Hwy 61 and MN Hwy 66 east of Finlayson, thence along U.S. Hwy 61 to North Branch, thence along MN Hwy 95 to Taylors Falls, thence along the St. Croix River to the MS River, thence along the MS River to the MN-IA State line, thence along the MN-IA State line to junction U.S. Hwy 59, and thence along U.S. Hwy 59 to the points of beginning including points and places on the indicated portions of the hwys specified, to Chicago, IL. From Amery, Falun, Lawton, Eureaka, Volga, Deer Park, Range, Lykens, Milltown, St. Croix Falls, and Fox Creek, WI, to Chicago, IL. From points and place in that portions of MN bounded by a line beginning at Elbow Lake and extending easterly through Ashby, Brandon, Millerville, Parkers Prairie, Eagle Bend, Browerville, Randall, Topeka, Fort Ripley, Shephard, Vineland, Waukon, and McGrath, MN, to junction U.S. Hwy 61 and MN Hwy 95 to Taylors Falls, thence along the St. Croix River to the MS River, thence along the MS River to the NM-IA State line, thence along the MN-IA State line to junction U.S. Hwy 59, and thence along U.S. Hwy 59 to the point of beginning, including points and places on the indicated portions of the hwys specified, to Milwaukee, WI. Livestock, from farms within 15 miles of Parkston, SD, to Sioux City, IA. Return with no transportation for compensation except as otherwise authorized to the above-specified origin points. Regular and irregular routes: General commodities, except dangerous explosives, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, between MN, St. Paul, South St. Paul, Invergrove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling and State Fair Grounds, MN. The authority specified immediately above is to be construed as granting only authority to serve additional intermediate or off-route points in connection with said carrier's existing operations when over regular routes and as an extension of existing operations when over irregular routes, and should not be understood to duplicate any authority which said carrier may otherwise hold. General commodities, except those of unusual value, and except dangerous explosives, household goods as defined in *Practice of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, over an alternate regular route for operating convenience only, between junction U.S. Hwy 12 and unmarked town road (formerly U.S. Hwy 12) west of Eau Claire, WI, in the town of Union, Eau Claire County, WI, and junction U.S. Hwy 12 and U.S. Hwy 53, east of Eau Claire: Service is not authorized to or from intermediate points. General commodities, except those of unusual value, dangerous explosives, household goods ad defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment. Service is authorized to and from Cadahy, Fox Point, Greendale, West Milwaukee, Shorewood, and Whitefish Bay, WI, as off-route points in connection with said carrier's otherwise authorized regular-route operations to and from Milwaukee. Grain and seeds, in bulk, over irregular routes, from points and places in Minnehaha, McCook, Hanson, Davison, Jerauld, Sanborn, Miner, Lake, Moody, Brookings, Kingsbury, and Beadle Counties, SD, and points and places in that part of MN west of a line extending northerly from the MN-IA State line along U.S. Hwy 65 to Minneapolis, thence northerly along U.S. Hwy 10 to Little Falls, thence northerly along U.S. Hwy 371 to Cass Lake, thence westerly along U.S. Hwy 2 to Erskine, thence northerly along U.S. Hwy 59 to the Thief River Falls, thence westerly along MN Hwy 1 to Warren, and thence northerey along U.S. Hwy 75 to the Boundary of the United States and Canada, and from Fargo, West Fargo, and Grand Forks, ND, to Minneapolis, St. Paul, Port Cargill, Savage, and Duluth, MN, and Superior, WI, with no transportation for compensation on return except as otherwise authorized. 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 M.C.C. 467, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading, over regular routes, between Montevideo, MN, and Clara City, MN: Between the junction of U.S. Hwy 212 and MN Hwy 23 (near MN Falls, MN) and junction of MN Hwy 23 and 7 (near Maynard,

MN): Return over these routes. Service is authorized to and from all intermediate points. The above-specified commodities, over alternate regular routes for operating convenience only, between Madelia, MN, and Worthington, MN: Between Ivanhoe, MN, and Lake Benton, MN: Between Marshall, MN, and Pipestone, MN: Between Redwood Falls, MN, and junction of U.S. Hwys 71 and 14 (near Sanborn, MN): Between New Ulm, MN, and Madelia, MN: Between Pipestone, MN, and Lone Tree, SD: Between Durand, WI, and Fairchild, WI: Between Mondovi, WI, and Eau Claire, WI: Between Wabasha, MN, and Nelson, WI: Between Winona, MN, and Bluff Siding, WI: Between junction U.S. Hwys 10 and 61 (near Hastings, MN) and Durand, WI: Return over these routes. Service is not authorized to or from intermediate points. Service is authorized to and from points in the Minneapolis-St. Paul, MN, commercial zone as defined by the Commission, and Scotchlite, MN, as intermediate or off-route points in connection with the said carriers presently authorized regular-route operations to or from Minneapolis and St. Paul, restricted to the transportation of such commodities as said carrier is authorized to transport in such operation. The authority granted herein, to the extent it duplicates any authority herefore granted to or now held by said carriers, shall not be construed as conferring more than one operating right. Horse meat, fish and by-products thereof for animal consumption, over irregular routes, from Duluth, MN, and Superior, WI, to points and places in Dane, Jefferson, Waukesha, Milwaukee, Rock, Walworth, Racine, and Kenosha Counties, WI, McHenry and Lake Counties, IL, and those in that part of Cook County, IL, comprised of Barrington, Hanover, Palatine, Wheeling, Northfield, Schaumberg, Elk Grove, Maine, and Niles Townships, with no transportation for compensation or return except as otherwise authorized. General commodities, except those of unusual value, and except commodities in bulk, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, comodities requiring special equipment (other than those requiring special handling because of weight or size), and those injurious or contaminating to other lading, over an alternate regular route for operating convenience only, between junction U.S. Hwy 61 and MN Hwy 23 and Duluth, MN: Service is not authorized to or from intermediate points and service is not authorized at junction of U.S. Hwy 61 and MN Hwy 23 execpt for the purpose of tacking such alternate route to said carrier's presently authorized alternate route over U.S. Hwys 61 and 210 between St. Paul and Duluth, MN. 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 M.C.C. 467, commodities in bulk, and those requiring special equipment, over an alternate route for operating convenience only in connection with carrier's presently authorized regular-route operations, between Madison, WI, and Milwaukee, WI: Service is not authorized to or from intermediate points. Service at Madison and Milwaukee is authorized solely for the purpose of tacking or joining such alternate route to presently-authorized regular route operations between St. Paul, MN, and Chicago, IL. General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. Service is authorized to and from Wrenshall, MN, as an off-route point, in connection with carrier's otherwise authorized regular route operations to and from Duluth, MN, as set forth in Certificate No. MC-43475, dated December 30, 1946. Regular routes: General commodities, except Class A and B explosives, commodities of unusual value, commodities in bulk, household goods as defined by the Commission and commodities requiring special equipment, between Duluth, MN, and Walker, MN, serving the intermediate point of Aitkin, MN, and all intermediate points between Aitkin and Walker: Between Walker, MN, and South St. Paul, MN, serving all intermediate points except those on U.S. Hwy 169 north of MN, and serving the off-route point of Breezy Point, MN: Between Aitkin, MN, and Garrison, MN, serving no intermediate points: Between Crosby, MN, and Walker, MN, serving all intermediate points: Between Emily, MN, and junction MN Hwys 34 and 84, serving all intermediate points and the off-route points of Manhattan Beach and Cross Lake, MN: Between Backus, MN, and Pontoria, MN, serving all intermediate points: Between Motley, MN, and Akely, MN, serving all intermediate points: Regular routes: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Marshall, MN, and Minneapolis, MN, serving the intermediate points of Green Valley and Cottonwood, MN, the intermediate and off-route points in the Minneapolis-St. Paul, MN. Commercial Zone as defined by the Commission, and the off-route point of Chemolite, MN (formerly known as Scotchlite, MN): Eggs and poultry, between Marshall, MN, and Minneota, MN, serving no intermediate points: Regular routes: General commodities, except those of unusual value, Class A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment other than those requiring special handling because of size or weight. Serving the site of the United States Air Force Base located approximately 20 miles northwest of Grand Forks, ND, and points within five miles thereof, as off-route points in connection with carrier's regular route operations to and from Grand Forks, over U.S. Hwy 2. Regular route: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Hudson, WI, and Eau Claire, WI, serving the intermediate point of Menomonie, WI, and the off-route points of Baldwin, Elk Mound, Hammond, Hersey, Knapp, Roberts, Rusk, Wilson, and Woodville, WI: Regular route: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. Serving Portage, IN, as an off-route point in connection with carrier's regular route operations to and from Chicago, IL. Regular routes: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. Between Junction U.S. Hwy 212 and MN Hwy 5 near Norwood, MN, and junction MN Hwy 5 and MN Hwy 22 at Gaylord, MN, serving the intermediate points of Arlington, Green Isle, and Hamburg, MN: Regular routes: Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in Appendix I to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766, except liquid commodities in bulk, in tank vehicles. Serving the plant site of Swift & Co., at Rochelle, IL, as an off-route point in connection with carrier's regular route operations to and from Chicago, IL. Restriction: The service authorized herein is restricted to the transportation of shipments originating at, or destined to the plant site of Swift & Co., at Rochelle, IL. Irregular routes: Potatoes and potato products, from Barnesville, MN, to points in that part of IL on and north of U.S. Hwy 30, with no transportation for compensation on return except as otherwise authorized. Regular routes: General commodities, except Classes A and B explosives, household goods as

defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the Eastman Kodak Company at Oak Brook, IL, as an off-route point in connection with carrier's regular-route operations authorized herein. Restriction: No service shall be rendered between the named plant site, on the one hand, and, on the other, points in Lake and Porter Counties, IN, nor between the name plant site, on the one hand, and, on the other, points in IL except those in St. Clair and Madison Counties, IL. General commodities, except those of unusual value, Classes A and B explosives, household good as defined by the Commission, commodities in bulk, and those requiring special equipment, Serving the plant site of the Midwest Steel Corporation, at Portage, IN, as an off-route point in connection with carrier's regular-route operations authorized herein to and from Chicago, IL. Serving Cudahy, Fox Point, Greendale, Sherwood, Wauwatosa, West Allis, West Milwaukee, and Whitefish Bay, WI, as off-route points in connection with carrier's regular-route operations authorized herein to and from Milwaukee, WI. General commodities, from Duluth, MN, to Madison and Jefferson, WI, serving the intermediate point of WI Dells, WI, for delivery only: From Monroe, WI, to Beloit, IL, for operating convenience only, serving no intermediate points or between the termini: General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Duluth, MN, and Chicago, IL, serving all intermediate points between Duluth, MN, and Eau Claire, WI, including Eau Claire, and the off-route points of Shell Lake, Carronett, Cumberland, and Barron, WI,: Between Duluth, MN, and Ashland, WI, serving all intermediate points; Between Duluth, MN, and Hurley, WI, serving all intermediate points and the off-route point of Montreal, WI: Between Duluth, MN, and Milwaukee, WI, serving all intermediate points between Duluth, MN, and Abbotsford, WI, including Abbotsford and Green Bay, WI, and the off-route points of Boyd, Longwood, and Edson, WI, and those within two miles of WI Hwy 29 and between Thorp and Stanley, WI: between Eau Claire, WI, and Minneapolis, MN, serving all intermediate points between Eau Claire and Menomonie, including Menomonie, and the off-route points of St. Paul, South St. Paul, Invergrove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, MN: Between Ladysmith, WI, and Prentice, WI, serving all intermediate points, and the off-route point of Kennan, WI: Between St. Paul, MN, and Ashland, WI, for operating convenience only, serving no intermediate points: Between Turtle Lake, WI, and Ladysmith, WI, for operating convenience only, serving no intermediate points: Between Ashland, WI, and Abbotsford, WI, serving all intermediate points, and the off-route points of North York, Morse, Rib Lake, Dorchester, Milan and Curtiss, WI: Between Hurley, WI, and Mellen, WI, serving all intermediate points: Between Marshfield, WI, and Plainfield, WI, serving all intermediate points: Between Coloma, WI, and Milwaukee, WI, serving all intermediate points: Between Madison, WI, and Janesville, WI, serving all intermediate points: Between Hurley, WI, and Wakefield, MI, serving all intermediate points: Between Hurley, WI, and Stevens Point, WI, serving all intermediate points: Between Evansville, WI, and Harvard, IL, serving no intermediate points: Between Emerald Grove, WI, and Belvidere, IL, serving no intermediate points: Between Rockford, IL, and Chicago, IL, serving no intermediate points: Serving Wrenshall, MN, as an off-route point in connection with carrier's regular route operations to and from Duluth, MN, as authorized herein above. The authority granted herein above includes the right to operate over any combination of the routes described regardless of whether the routes have a common point of service. Such commodities that are restricted to those that carrier is authorized herein above to transport in such operations to or from Minneapolis and St. Paul, MN: Serving points in the Minneapolis-St. Paul, MN, Commercial Zone, as defined by the Commission, and Chemolite Siding (formerly Scotchlite), MN, as intermediate or off-route points in connection with the said carrier's regular-route operations authorized herein above to or from Minneapolis and St. Paul. General commodities, except those of unsual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in the Chicago IL, Commercial Zone (except Chicago) as defined by the Commission, as intermediate and off-route points in connection with carrier's regular-route operations authorized herein above to and from Chicago. Between Trego, WI, and junction U.S. Hwy 63 and 2, near Ashland, WI, serving all intermediate points, and the off-route point of Benoit, WI: Between Duluth, MN, and Proctor, MN, serving all intermediate points: Rice Lake, WI, and Cumberland, WI, for operating convenience only, serving no intermediate points, and serving Cumberland for the purpose of joinder only: Between Barron, WI, and junction WI Hwys 48 and 25, for operating convenience only, serving no intermediate points and serving the termini for the purpose of joinder only: Between junction U.S. Hwy 53 and WI and Hwy 77, near Minong, WI, on the one hand, and, on the other, junction WI Hwy 77 and WI Hwy 13, near Glidden, WI, serving the termini for the pruposeof joinder only: Alternate routes for operating convenience only: General commodities, except those of unusual value, A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment: Between junction WI Hwy 13 and U.S. Hwy 8 and junction U.S. Hwy 51 and U.S. Hwy 8, in connection with carrier's regular-route operations over U.S. Hwy 51 and U.S. Hwy 8 as authorized herein, serving no intermediate points: Between junction U.S. Hwy 12 and unnumbered hwy west of Eau Claire, WI, in the Town of Union, Eau Claire County, WI, and the junction of U.S. Hwys 12 and 53, east of Eau Claire, serving no intermediate points: Between junction U.S. Hwy 141 and WI Hwy 57 and juncton WI Hwy 144 and U.S. Hwy 141, serving no intermediate points: Between junction U.S. Hwys 10 and 12, near Fairchild, WI, on the one hand, and, on the other, junction U.S. Hwy 10 and WI Hwy 13, south of Marshfield, WI, with service at the termini for the purpose of joinder only: Between Plainfield, WI, on the one hand, and, on the other, Wautoma, WI, with service at the termini for the purpose of joined only: Between Whitewater, WI, on the one hand, and, on the other, junction U.S. Hwys 12 and 14, near Chicago, IL, with service at the termini for the purpose of joinder only: Between Plover, WI, on the one hand, and, on the other, WI Rapids, WI, with service at the termini for the purpose of joinder only: Between WI Rapids, WI, on the one hand, and, on the other, the southern junction WI Hwys 13 and 73, apprximately six miles south of WI Rapids, with service at the termini for the purpose of joinder only: Between Superior, WI, on the one hand, and, on the other, junction WI Hwy 35 and U.S. Hwy 8, near St. Croix Falls, WI, with service at the termini for the purpose of joinder only: Between junction U.S. Hwy U.S. 8 and WI Hwy Ill, near Catawba, WI, and junction WI Hwy Ill and 13, serving no intermediate points: Between Janesville, WI, and Beloit, WI, serving no intermediate points: 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, in connection with carrier's regular-route operations authorized herein: Between Mauston, WI, and junction of WI Hwys 82 and 13, serving no intermediate points, and serving the termini for joinder purposes only: Between WI Dells, WI, and junction WI Hwys 13 and 73, serving no intermediate points:, and serving the junction of WI Hwys 13 and 73 for joinder purposes only: Between Marshfield, WI, and junction WI Hwys 29 and 97, serving no intermediate points, and serving the junction WI Hwys 29 and 97 for joinder purposes only: Between junction WI Hwys 29 and 97 and junction WI Hwys 64 and 97, serving no intermediate points, and serving the termini for joinder purposes only: Between Merrill, WI, and junction WI Hwys 64 and 13, serving no intermediate points, and serving junction WI Hwys 64 and 13 for joinder purposes only: General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, Between Chicago, IL, and the junction of Eden's Expressway (north of Lake Avenue) and U.S. Hwy 41, in connection with carrier's operations over U.S. Hwy 41, authorized herein, serving no intermediate points: Irregular routes: General commodities, except those of unusual value, household goods as defined by the commission, commodities in bulk, and those requiring special equipment, between Minneapolis and St. Paul, MN, on the one hand, and, on the other, the site of the Town City Ordnance Plat in Mounds View Township, Ramsey County, MN. Animal feeds, from Duluth, MN, to points in Dane, Jefferson, Waukesha, Milwaukee, Rock, Walworth, and Kenosha Counties, WI, those in McHenry and Lake Counties, IL, and Barrington, Hanover, Palatine, Wheeling, Northfield, Schaumberg, Elk Grove, Main, and Niles Townships in Cook County, IL, with no transportation for compensation on return except as otherwise authorized. Irregular routes: Printing paper, From Brainerd and Cloquet, MN, to points in that part of WI on and east of U.S. Hwy 51, with no transportation for compensation on return except as otherwise authorized. Equipment, and materials and supplies (except in bulk) used by paper mills: From points in that part of WI on and east U.S. Hwy 51, (except Appleton, WI) to Brainerd and Cloquet, MN, with no transportation for compensation on return except as otherwise authorized. Alltermate routes for operating convenience only: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): Between Junction MN Hwy 68 and U.S. Hwy 14 at Sleepy Eye, MN, and junction MN Hwy 68 and U.S. Hwy 71, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving the termini for joinder only, except as otherwise authorized: Between junction Minnesota Hwy 68 and U.S. Hwy 71, and junction MN Hwys 68 and 19, just north of Milroy, MN, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving the termini for joinder only, except as otherwise authorized: Between Morgan, MN, and Redwood Falls, MN, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving the termini for joinder only, except as otherwise authorized: Between Gaylord, MN, and Nicollet, MN, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving the termini for joinder only, except as otherwise authorized: Between St. Peter, MN, and Nicollet, MN, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving the termini for joinder only, except as otherwise authorized: Between St. Peter, MN, and junction MN Hwys 22 and 111 near New Sweden, MN, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving the termini for joinder only, except as otherwise authorized: Between junction U.S. Hwy 169 and MN Hwy 93 near Le Sueur, MN, and Gaylord, MN, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving the termini for joinder only, except as otherwise authorized: Between Belle Plaine, MN, and Green Isle, MN, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving the termini for joinder only, except as otherwise authorized: Between Warren, MN, and Thief River Falls, MN, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving the termini for joinder only, except as otherwise authorized: Between St. Hilaire, MN, and junction U.S. Hwy 75 and Polk County Road 21, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving the termini for joinder only, except as otherwise authorized: Between junction U.S. Hwy 75 and Polk County road 21, and junction Polk County Road 21 and Minnesota Hwy 220, in connection with carrier's presently authorized regular-route operations, serving no intermediate points and serving the termini for joinder only, except as otherwise authorized: irregular routes: General commodities, except household goods, commodities in bulk, and commodities which because of size or weight require special equipment, between points in IL in Lake, Cook (except Elgin, IL) Du Page, and Will Counties. Irregular routes: Benetonite clay, in bags, from Burnett, MN, to points in WI, and points in that part of IL on and north of a line beginning at the IL-IN State line, and extending west along U.S. Hwy 30 to junction Interstate Hwy 80 at or near Joliet, IL, thence west along interstate Hwy 80 to junction Interstate Hwy 280, thence west along Interstate Hwy 280 to Rock Island, IL; and Equipment, materials and supplies used in the mining and processing bentonite clay (except commodities in bulk and those which because of size or weight require the use of special equipment). From the destination territory specified above, to Burnett, MN. Irregular routes: Foodstuffs (except in bulk), from the facilities of International Co-op, Inc. at or near Grand Forks, ND, to points in MN, WI and IL, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above described orgin. Regular routes: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Serving Lake Nebagamon, WI, as an off-route point in connection with carrier's regular-route operations over U.S. Hwy 2 between Duluth, MN, and Hurley, WI. G.M.W., Inc. holds no authority from this Commission. However it is controled by Minnesota-Wisconsin Truck Lines, Inc. Minnesota-Wisconsin Truck Lines, Inc. is a regular route motor common carrier authorized to transport general commodities, with usual exceptions, in the states of MN, ND and WI. Application has been filed for temporary authority under Section 210a(b). (Hearing site: St. Paul, MN.)

MC-F-13815F. Authority sought for purchase by CHIPPEWA MOTOR FREIGHT, INC., P.O. Box 269, Eau Claire, WI 54701, of a portion of the operating rights of GLENDENNING MOTORWAYS, INC., P.O. Box 43947, St. Paul, MN, 55164, and for acquisition of control of such rights by LEWIS INDUSTRIES, INC., 510 Northwestern Bank Building, Sioux Falls, SD, 57102, through the purchase. Applicant's attorneys: Carl L. Steiner, 39 South La Salle Street, Chi-

cago, IL, 60603 and William S. Rosen, 630 Osborn Building, St. Paul, MN, 55102. Operating rights sought to be transferred are as a *common carrier* over regular routes as follows: Regular Routes: General commodities, except those of unusual value, and except dangerous explosives, and commodities in bulk, between Sioux City, IA, and Parston, SD: From Sioux City over U.S. Hwy 77 to junction SD Hwy 50, then over SD Hwy 50 to junction SD Hwy 37, and then over SD Hwy 37 to Parkston, and return over the same route. Service is not authorized to or from intermediate points. Service is authorized to and from the off-route points of Armour, Corsica, Delmont, and Stickney, SD. 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 M.C.C. 467, commodities in bulk, and those requiring special equipment, between St. Paul, MN, and Mitchell, SD: From St. Paul over City streets to Minneapolis, MN, then over U.S. Hwy 212 to Glencoe, MN, then over MN Hwy 22 to Gaylord, MN, then over MN Hwy 19 to Winthrop, MN, then over MN Hwy 15 to New Ulm, MN, then over U.S. Hwy 14 via Brookings, SD, to Huron, SD, and then over SD Hwy 37 to Mitchell; between Winthrop, MN, and Brookings, SD: From Winthrop over MN Hwy 19 to the MN-SD State line, then over unnumbered hwy, via White, SD, to junction U.S. Hwy 77, and then over U.S. Hwy 77 to Brookings, and return over the same route. Between Brookings, SD, and junction of SD Hwy 34 and 37: From Brookings over U.S. Hwy 77 to junction SD Hwy 34, then over SD Hwy 34, via Howard, SD, to junction SD Hwy 37, and return over the same route. Between Arlington, SD, and junction SD Hwy 38, and U.S. Hwy 16, approximately 12 miles east of Mitchell, SD: From Arlington over U.S. Hwy 81 to Salem, SD, then over SD Hwy 38 to junction U.S. Hwy 16, approximately 12 miles east of Mitchell, SD, and return over the same route. Between Sioux Falls, SD, and junction U.S. Hwy 77 and SD Hwy 34 (Lone Tree, SD): From Sioux Falls over U.S. Hwy 77 to junction SD Hwy 34 (Lone Tree, SD) near Colman, SD, and return over the same route. Between Stanley Corners, SD, and Yankton, SD: From Stanley Corners over U.S. Hwy 81 to Yankton, and return over the same route. Between Vermillion, SD, and Pumpkin Center, SD: From Vermillion over SD Hwy 19 to Pumpkin Center, and return over the same route. Between Sioux Falls, SD and Vermillion, SD: From Sioux Falls over U.S. Hwy 77 to junction SD Hwy 50, then over SD Hwy 50 to Vermillion, and return over the same route. Service is authorized to and from all intermediate points on the above-specified routes except Beresford, SD. Between St. Paul, MN and Fargo, ND: From St. Paul over U.S. Hwy 52 to Fargo: Between junction of SD Hwys 37 and 34 approximately three miles east of Woonsocket, SD, and Fort Thompson, SD: From junction of SD Hwys 34 and 37 approximately three miles east of Woonsocket over SD Hwy 34 to junction SD Hwy 45, then over SD Hwy 45 via Gann Valley, SD, to junction unnumbered hwy, then over unnumbered hwy to junction SD Hwy 47, then over SD Hwy 47 to Fort Thompson, and return over the same route. Service is authorized to and from the intermediate points of Woonsocket, Wessington Springs, Gann Valley, and Shelby Store, SD, and the off-route point of Virgil, SD. Between junction of SD Hwy 37 and unnumbered hwy approximately twelve miles north of Mitchell, SD, and Lane, SD: From junction of SD Hwy 37 and unnumbered hwy approximately twelve miles north of Mitchell, over unnumbered hwy via Letcher and Cuthbert, SD, to Forestburg, SD, then over SD Hwy 34 to Woonsocket, SD, then over unnumbered hwy via Alpena, SD, to Lane, and return over the same route. Service is authorized to and from the intermediate points of Letcher, Cuthbert, Forestburg, and Alpens, SD. Between Newcastle, NB, and Sioux City, IA: From Newcastle over NE Hwy 12 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Sioux City, and return over the same route. Service is authorized to and from intermediate and off-route points in NE within 20 miles of Newcastle. Between Newcastle, NE, and Yankton, SD: From Newcastle over NE Hwy 12 to junction NE Hwy 15, then over NE Hwy 15 to junction U.S. Hwy 81, and then over U.S. Hwy 81 to Yankton, and return over the same route. Service is authorized to and from intermediate and off-route points in NE within 20 miles of Newcastle. Betwen Salem, SD, and Sioux Falls, SD: From Salem over U.S. Hwy 81 to junction U.S. Hwy 16, then over U.S. Hwy 16 to Sioux Falls, and return over the same route. Service is not authorized to or from intermediate points. Chippeway Motor Freight, Inc. is authorized to operate as a common carrier between points in MN, WI, IL, IN, IA and OH. Application has been filed for temporary authority under Section 210a(b). (Hearing site: Chicago, IL.)

MC-F-13816F. Authority sought for control by AMERICAN NATURAL RESOURCES CO., One Woodward Avenue, Detroit, MI 48226, of GARRETT FREIGHTLINES, INC., P.O. Box 4048, Pocatello, ID 83201, through a stock exchange. Representatives: Roland Rice, Suite 501, 1111 E Street NW., Washington, DC 20004 and Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, DC 20005. Operating rights sought to be controlled: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes, generally betwen St. Paul, MN, Denver, CO and Albuquerque, NM on the east, the Canadian border on the north, the Pacific Ocean on the west, and the Mexican border on the south. Service is authorized over numerous routes within this area and to many points, including routes in the States of MN, ND, MT, ID, WA, OR, CA, AZ, NV, UT, NM, and CO. Irregular route limited commodity operation is authorized in the named states and in WY, SD, WI, and MI. The aforementioned summary embraces generally the commodities and territory involved but does not intend to define precisely the scope of seller's authority. American Natural Resources Company is not a carrier but, with Commission approval, controls two carriers. It owns the stock of Associated Freightways, which, in turn, owns the stock of a carrier, Associated Truck Lines, Inc., (MC-69833) Subs thereunder, which is authorized to operate as a common carrier in the States of IL, IN, KY, MI, OH, PA, WV, WI, and MO. Applicant also owns the stock of ANR Express Transport Company which, in turn, owns the stock of Graves Truck Line, Inc., of Salina, KS, (MC-53965 and Subs thereunder) which is authorized to operate as a *common carrier* in the States of CO, TX, KS, OK, MO, NE, and IA. Application has not been filed for temporary authority under section 210a(b).

MC-F-13819F. Authority sought for purchase by LEWIS TRUCK LINES, INC., P.O. Box 642, Lisbon, ND 58054, of the outstanding capital stock and for merger of Crawford Freight Line, Inc., P.O. Box 1554, Aberdeen, SD 57401, into Lewis Truck Lines, Inc., and for control of operating rights and other assets by Robert M. Lewis, also of P.O. Box 642, Lisbon, ND 58054. Representatives: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58102, and A. R. Crawford, P.O. Box 1554, Aberdeen, SD 57401. Operating rights sought to be acquired: *General commodities* (with the usual exceptions) over specified routes between Aberdeen, SD, and Mobridge, SD, and other intermediate points as set forth more fully in MC-85955 and subs thereunder. Vendee is authorized to operate as a common carrier in ND, SD and MN. Application has been filed for temporary authority under Section 210a(b).

MC-F-13821F. Authority sought for purchase by ALASKA WEST EXPRESS, INC., 3001 Peger Road, Fairbanks, Alaska 99701, of the operating rights of Pioneer Alaska Express, Inc., P.O. Box 815, Fairbanks, Alaska 99707, and control of such rights through purchase by Lynden Transport, Inc., 5615 West Marginal Way S.W., Seattle, Washington 98106. Transferee's representative John R. Sims, Jr., 915 Pennsylvania Building, 425—13th Street, NW., Washington, DC 20004; Transferor's representative John M. Stern, Jr., P.O. Box 1672, Anchorage, AK 99510. Operating rights sought to be purchase: *General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk*, as a common carrier, over irregular routes, between points in Alaska, except points in the Alaska panhandle south of Haines, AK. Transferee holds no authority from the Interstate Commerce Commission; however, Lynden Transport holds both regular route and irregular route authority for the transportation of general commodities over certain routes and between certain points in Alaska. Application for temporary authority under Section 210a(b) has been filed. (Hearing site: Seattle, WA.)

MC-F-13823F. Authority sought for purchase by SAMUEL J. LANSBERRY, INC., PA State Hwy. 970 (P.O. Box 58), Woodland, PA 16881, of a portion of the operating rights of Lott Motor Lines, Inc., W. Cayuga Street (P.O. Box 751) Moravia, NY 13118, and for acquisition by Samuel J. Lansberry, R. D. Woodland, PA 16881, of control of such rights through the purchase. Representatives: William A. Chesnutt, 1776 F Street, NW., Washington, DC 20006 and E. Stephen Heisley, 666 Eleventh street, NW., Washington, DC 20001. Operating rights sought to be purchased: Certificate No. MC-78687 (Sub-No. 31) issued February 28, 1972 authorizing transportation as a common carrier, over irregular routes, of *coal* from points in Centre County, PA, to points in NY. Vendee is authorized to operate as a motor common carrier under certificates Nos. MC-129124 (Sub-Nos. 1, 13 and 15) transporting *coal, clay* and *gannister rock* to, from or between points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT and VA. Application has not been filed for temporary authority under section 210a(b). (Hearing site: Washington, DC.)

MC-F-13825F. Authority sought by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025, to purchase the operating rights of DADSON, INC., d.b.a. BILL'S CANNONBALL EXPRESS, Anderson, MO, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., 601 California Street, San Francisco, CA 94108, of control of such rights through the purchase. Applicant's attorney: Thomas E. Acey, Jr., 1660 L Street, NW., Washington, DC 20036. Operating rights sought to be transferred (now held under Certificate of Registration No. MC-121726): general commodities, except commodities in bulk, explosives, and household furnishings from residential property to residential property, between all points within the counties of Jasper, Newton, and McDonald, MO, and between those counties, on the one hand, and all points in Barry County, MO, on the other hand. Temporary authority under Section 210a(b) has been requested. The foregoing irregular-route authorities will be tacked only at regular-route points in MO authorized to vendee. Vendee operates as a common carrier in all states except HI.

NOTE.—MC-42487 (Sub-No. 888F) is directly related.

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and 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 approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and conservation Act of 1975.

MC 2253 (Sub-89F), filed November 13, 1978. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, NC 28021. Representative: Edward G. Villalon, Suite 1032, Pennsylvania Building, Pennsylvania Avenue & 13th Street, NW, Washington, DC 20004. Authority is sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment: (1) Between Wapakoneta, OH and Indianapolis, IN, serving Wapakoneta and the junction of IN Hwys 67 and 232 approximately 5 miles east of Anderson, IN for purposes of joinder only: From Wapakoneta over U.S. Hwy 33 to junction OH Hwy 29, then over OH Hwy 29 to the OH-IN State line, then over IN Hwy 67 to Anderson, IN, then over IN Hwy 32 to Noblesville, IN, then over IN Hwy 37 to Indianapolis, and return over the same route. (2) Between Muncie, IN and Indianapolis, IN, serving no intermediate points but serving the off-route point of Fort Benjamin Harrison, IN: From Muncie over IN Hwy 67 to Indianapolis, and return over the same route. (3) Between junction IN Hwys 232 and 67 at a point approximately 5 miles east of Anderson, IN, and junction IN Hwys 9 and 67 approximately 4 miles south of Anderson, serving the intermediate point of Anderson: From junction IN Hwys 232 and 67 over IN Hwy 232 to junction IN Hwy 32, then over IN Hwy 32 to junction IN Hwy 9, then over IN Hwy 9 to junction IN Hwy 67, and return over the same route. (4) Serving Anderson, Indianapolis, and Muncie, IN as intermediate or off-route points in conjunction with carrier's regular route operations. Restriction: Restricted against the transportation of traffic originating at or destined to a point in IN, on the one hand, and, on the other, originating at or destined to a point in IL, IN, MI, OH, Louisville, KY, Davenport, IA, and the commercial zone of Cincinnati, OH.

NOTE.—This application is directly related to *Carolina Freight Carriers Corporation—Purchase (Portion)—The National Transit Corporation*, MC-F-13807F. The purpose of part (4) of the application is to give notice that applicant proposes to serve Anderson, Indianapolis, and Muncie, IN as intermediate or off-route points in conjunction with carrier's regular route operations. MC-F-13807F is published in a previous section of this FR issue.

MC 9268 (Sub-17F), filed October 18, 1978. Applicant: PACE MOTOR LINES, INC., 132 West Dudleytown Road, Bloomfield, CT 06002. Representative: John E. Fay, 630 Oakwood Avenue, Suite 127, West Hartford, CT 06110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, and commodities requiring spe-

cial equipment), between points in MA. (Hearing site: Hartford or new Haven, CT.)

NOTE.—The purpose of this application is to convert a certificate of registration to a certificate of public convenience and necessity and is directly related to MC-F-13792F published in a previous section of this FR issue.

MC 42487 (Sub-888F), filed November 14, 1978. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION, 175 Linfield Drive, Men o Park, CA 94025. Representative: Thomas E. Acey, Jr., Suite 1000, 1660 L Street, NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except commodities in bulk, household goods as defined by the Commission, Classes A and B explosives, commodities of unusual value, and livestock) (1) between points in Jasper, Newton, and McDonald Counties, MO; and (2) between points in Jasper, Newton, and McDonald Counties, MO, on the one hand, and, on the other, points in Barry County, MO, restricted in (1) and (2) above against the transportation of animal feed originating at the plantsites of Ragland Mills, Inc., at Neosho, MO, and Doane Feed Products, Inc., at Joplin, MO, and further restricted against the transportation of roofing material originating at the plantsite of Tamco Products, Inc., at Joplin, MO. (Hearing site: Washington, DC, or Kansas City, MO.)

NOTE.—The purpose of this application is to convert a certificate of registration to a certificate of public convenience and necessity and is a directly related matter to a Section 5 finance proceeding docketed MC-F-13825F and published in a previous section of this FR issue. Common control may be involved.

MC 108835 (Sub-45F) (correction), filed September 13, 1978, previously noticed in the FEDERAL REGISTER issue of October 5, 1978. Applicant: HYMAN FREIGHTWAYS, INC., 1745 University Ave., St. Paul, MN 55104. Representative: Donald A. Morken, 1000 First National Bank Bldg., Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment) (1) between points in IL on and east of a line beginning at the WI-IL boundary, then along IL Hwy 2 to its junction with IL Hwy 26, then along IL Hwy 26 to its junction with IL Hwy 71, then along Il Hwy 71 to its junction with U.S. Hwy 51, then along U.S. Hwy 51 to its junction with IL Hwy 17, then along Il Hwy 17 to its junction with the IL-IN State line, and (2) between points in (1) above, on the one hand, and, on the other, points in IL. (Hearing site: Chicago, IL.)

NOTE.—The purpose of this application is to convert a certificate of registration to a certificate of public convenience and necessity. This matter is directly related to a section 5(2) finance proceeding docketed MC-F-13735F, published in a previous section of this FR issue. The purpose of this republication is to correct the territorial description in (1) above.

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in 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.

South Carolina Docket No. 78-341-T, filed July 17, 1978. Applicant: JAMES E. BEARDEN, d.b.a. BEARDEN TRUCKING CO., P.O. Box 1703, Greenville, SC 29602. Representative: Robert L. Stoddard, P.O. Box 5178, Spartanburg, SC 29304. Certificate of Public Convenience and Necessity sought to operate a freight service, over irregular routes, as follows: Transportation of: *Commodities in general* (except any commodities or products in bulk in 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 Association, Inc., agent, tariff No. 10, MC-ICC No. 11, PSCS No. 11, supplements thereto or reissues thereof, 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 Greenville, SC on the one hand, and, on the other, points in South Carolina within 50 miles of Greenville, SC, and between Spartanburg, SC on the one hand, and, on the other, points in SC within 50 miles of Spartanburg, SC, restricted to traffic having prior or subsequent movement by rail. Intrastate, interstate and foreign commerce authority sought. Hearing: Columbia, SC, in South Carolina Public Service Commission, P.O. Box 11649; time and date 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.

South Carolina Docket No. 78-401-T, filed August 30, 1978. Applicant: GREENWOOD TRANSFER & STORAGE COMPANY, INC., Route 11, Staunton Bridge Rd., Greenville, SC 29611. Representative: W. Thomas Vernon, 1426 Richland Street, Columbia, SC 29201. Certificate of Public Convenience and Necessity sought to operate a freight service, over irregular routes, as follows: Transportation of: *Fertilizer and fertilizer materials, cotton seed, cotton seed meal, and cotton seed hulls:* Betweeen points and places in Spartanburg County, and between points and places in Spartanburg County and points and places in South Carolina. *Cotton in bales:* Between points and places in Spartanburg County, and between points and places in Spartanburg County and points and places in South Carolina. *Limestone and stone:* Between points and places in South Carolina. *Commodities in general* (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 Association, 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 South Carolina. *Cotton waste, rayon waste and bagging:* Between points and places in South Carolina. *Textile machinery, textile machinery parts, textile materials, textile supplies, and textile goods:* Between points and places in South Carolina. *Iron and scrap iron:* Between points and places in South Carolina. *Plastic materials and plastic waste materials:* Between points and places in South Carolina. *Corrugated or uncorrugated paper products and waste paper products:* Between points and places in South Carolina. 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.

By the Commission.

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

[FR Doc. 78-33443 Filed 11-29-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6740-02-M]

1

NOVEMBER 27, 1978.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 1:30 p.m.; November 28, 1978.

PLACE: 825 North Capitol Street NE., Hearing Room A, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will continue consideration of Docket No. RM79-3; regulations implementing the Natural Gas Policy Act of 1978.

CONTACT PERSON FOR MORE INFORMATION:

Lois D. Cashell, Acting Secretary, 202-275-4166.

[S-2411-78 Filed 11-28-78; 11:16 am]

[6570-06-M]

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Thursday, November 30, 1978.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

OPEN TO THE PUBLIC

1. Recommended Procedures for the Office of Appeals and Review.
2. Report on Commission Operations by the Executive Director.

CLOSED TO THE PUBLIC

Litigation Authorization; General Counsel Recommendations: Matters closed to the public under the Commission's regulations at 29 CFR 1612.13.

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, 202-634-6748.

This Notice Issued November 22, 1978.

[S-2414-78 Filed 11-28-78; 3:13 pm]

[6570-06-M]

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-2414-78.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (Eastern Time), Thursday, November 30, 1978.

CHANGE IN THE MEETING: The time of the meeting is changed to 2 p.m. (Eastern Time), Thursday, November 30, 1978.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, 202-634-6748.

This notice issued November 28, 1978.

[S-2417-78 Filed 11-28-78; 3:36 pm]

[6730-01-M]

4

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: November 24, 1978, 43 FR 55055.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m.; November 29, 1978.

CHANGES IN THE MEETING: Addition of the following item to the Closed Session:

1. Discussion of meeting of Consultative Shipping Group

[S-2415-78 Filed 11-28-78; 3:36 pm]

[6730-01-M]

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m.; December 6, 1978.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Agreement No. 10118-4: Modification of the Atlantic Steamship Energy Conservation Agreement to extend its term for an additional three years.
2. Notice of Intent to Make an Environmental Assessment in Docket No. 78-32: Pacific Westbound Conference—Equalization and Absorption Rules and Practices.
3. Docket No. 77-13: First International Development Corporation v. Ships Overseas Services, Inc.—Consideration of the record.
4. Docket No. 77-27: Trailer Marine Transport Corporation General Increase in Rates—Docket No. 77-28: Gulf Caribbean Marine Lines, Inc., General Increase in Rates—Consideration of the record.
5. Docket No. 77-43: Agreement No. 10286—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-2416-78 Filed 11-28-78; 3:36 pm]

[7035-01-M]

6

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, December 5, 1978.

PLACE: Hearing Room "C", Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C. 20423.

STATUS: Open regular conference.

MATTERS TO BE CONSIDERED:

1. New Procedures for Identifying and Handling Important Cases (Fitzwater, Chandler).

2. Discussion of Ex Parte No. 346, *Rail General Exemption Authority* (Fitzwater, Rosenak).

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-2418-78 Filed 11-28-78; 3:56 pm]

[4910-58-M]

7

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, December 7, 1978 [NM-78-40].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Pipeline Accident Report*—The Gas Service Company, natural gas pipeline rupture and fire, Kansas City, Mo., June 12, 1978.
2. *Highway Accident Report*—Osterkamp Trucking, Inc., truck/full trailer and Dodge van collision, Scipio, Utah, August 26, 1978.
3. *Railroad Accident Report*—St. Louis Southwestern Railway Company freight train derailment and rupture of vinyl chloride tank car at Lewisville, Ark., March 29, 1978.
4. *Railroad/Highway Grade Crossing Accident Report*—Seaboard Coast Line/Amtrak passenger train/pickup truck collision, Plant City, Fla., October 2, 1977.
5. *Discussion* of Blue Signal Protection of Workmen, Railroad Operating Rules.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-2413-78 Filed 11-28-78; 2:44 pm]

[7590-01-M]

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: December 4, 1978.

PLACE: Chairman's Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

MONDAY, DECEMBER 4

1:30 p.m.—Briefing by executive branch on nonproliferation matters (approximately 1 hour) (closed—exemption 1).

2:30 p.m.—Affirmation session (approximately 5 minutes) (public meeting): (a) 145b Waiver for Employment.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

NOVEMBER 27, 1978.

[S-2412-78 Filed 11-28-78; 11:55 am]

[7710-12-M]

9

UNITED STATES POSTAL SERVICE (BOARD OF GOVERNORS).

NOTICE OF COMMITTEE MEETING

The Committee on Audit of the Board of Governors of the United States Postal Service, pursuant to the Bylaws of the Board (39 CFR 5.2, 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 8:00 on Tuesday, December 5, 1978, in the main conference room, second floor, Room 2143, Houston Sectional Center, 401 Franklin Street, Houston, Texas. The meeting is open to the public. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

The Committee will review with representatives of the Postal Service's outside auditors the Postal Service's Balance Sheet and Financial Statements for FY 1978.

This Committee meeting is to be held in anticipation of a meeting of the Board of Governors which is scheduled to commence at 9:00 A.M. on the same day. A report of the Committee is on the agenda for the Board meeting.

LOUIS A. COX,
Secretary.

[S-2409-78 Filed 11-28-78; 11:16 am]

[7710-12-M]

10

UNITED STATES POSTAL SERVICE (BOARD OF GOVERNORS).

NOTICE OF MEETING

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 9:00 A.M. on Tuesday, December 5, 1978, in the main conference room, second floor, Room 2143, Houston Sectional Center, 401 Franklin Street, Houston, Texas. The meeting is open to the public. The Board expects to discuss the matters stated in the Agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

AGENDA

1. *Minutes of the Previous Meeting.*
2. *Remarks of the Postmaster General* (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the occurrence of a recent Congressional hearing, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
3. *Schedule of Board Meetings for 1979* (The Board will discuss meeting dates for 1979. Although the Bylaws of the Board provide that regular meetings will be held on the first Tuesday of each month, they also provide that the Chairman, or the Board, may vary the time of meetings.)
4. *Report of the Regional Postmaster General* (Mr. Symbol, Regional Postmaster General will report on postal conditions in the Southern Region.)
5. *Report of the Audit Committee on FY 1978 Financial Statement* (Mr. Holding, as Chairman of the Audit Committee of the Board, will report to the members on the meeting of the Audit Committee (which is to be held immediately preceding the meeting of the Board) with representatives of the Postal Service's outside auditors concerning the Service's Balance Sheet and Financial Statements for FY 1978.)
6. *Review of the Postal Service Budget Program* (Mr. Biglin, Senior Assistant Postmaster General for Finance, will present the Postal Service's budget for FY 1980 as it is proposed for transmission to the OMB and the Congress.)
7. *Review of the Annual Comprehensive Statement to the Congress* (Public Law 94-421 amended 39 U.S.C. § 2401 to require the Postal Service to present a "Comprehensive Statement" to the Legislative and Appropriations Committees of the Congress having cognizance over postal matters. The Comprehensive Statement is to be presented concurrently with the Service's annual budget submission. The Comprehensive Statement is to describe the plans, policies, and procedures of the Postal Service designed to comply with the policies of the Postal Reorganization Act; postal operations generally; and financial summaries and projections. The Comprehensive Statement is on the Board's agenda because approval of the annual Comprehensive Statement is included in the list of matters that the Board has reserved for its own decision. Mr. Finch, Assistant Postmaster General for Government Relations will present a draft of the Statement.)
8. *Capital Investment Projects:*

(a) *Detroit, Michigan* (Mr. Biglin will present a proposed project for the purchase of the Main Post Office at Detroit, which is currently leased by the Postal Service.)

(b) *Stamford, Connecticut* (Mr. James V. Jellison, Regional Postmaster General, Northeast Region, will present a proposed project for a new General Mail Facility and

Vehicle Maintenance Facility at Stamford, Connecticut.)

9. *Proposed filing with the Postal Rate Commission for express mail metro service.* (Mr. Ulsaker, Senior Assistant Postmaster General, Administration Group, will present for Board review a proposed filing with the Postal Rate Commission to change the Domestic Mail Classification Schedule under 39 U.S.C. § 3623 to include a new express mail metro service.)

10. *Temporary classification change proposal for Electronic computer Originated Mail Service* (ECOM service) (Under the Postal Reorganization Act (39 U.S.C. § 3641(e)), if the Postal Rate Commission does not transmit a recommended decision on a change in the Mail Classification Schedule to the Governors of the Postal Service within ninety days after the Postal Service has submitted to the Commission a request for such a recommended decision, the Postal Service, upon ten days notice in the FEDERAL REGISTER, may place into effect temporary changes in the Mail Classification Schedule in accordance with proposed changs under consideration by the Commission. The Postal Service requested a recommended decision on September 8, 1978, to change the Domestic Mail Classification Schedule to include a new Electronic Computer Originated Mail Service. It does not appear that the Postal Rate Commission will transmit its recommended decision on this matter within ninety days after September 8. The Board will consider the question of whether the Postal Service should place the proposal into effect on a temporary basis.)

LOUIS A. COX,
Secretary.

[S-2410-78 Filed 11-28-78; 11:16 am]

federal register

THURSDAY, NOVEMBER 30, 1978
PART II

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

EPA

REGULATORY AGENDA

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 983-5]

AGENDA OF REGULATIONS

AGENCY: Environmental Protection Agency.

ACTION: Agenda of Regulations.

SUMMARY: Four times a year the Agency publishes a summary of the significant regulatory actions under development to help assure that interested parties have an early opportunity to participate in shaping our regulations. We call the summary our Agenda of Regulations.

FOR FURTHER INFORMATION CONTACT: For information about any particular item on the Agenda contact the individual identified as the contact person for that item. For general information about public participation in the regulatory process contact:

Chris Kirtz, (PM-223), Standards and Regulations Evaluation Division, Environmental Protection Agency, 401 M Street, SW Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: On March 23, 1978, President Carter signed Executive Order 12044, *Improving Government Regulations*, which directed all executive agencies to adopt procedures to improve existing and future regulations. One procedure which the Order required all agencies to adopt was the publication twice a year of a list of significant regulations which are under development or review. The Order also directed that the Agenda provide the following information about the potential regulations:

- A brief description
- A citation of its statutory authority
- Its status
- The name and phone number of a knowledgeable official
- Whether we will prepare a regulatory analysis due to the regulation's potentially major economic consequences
- Whether the listed item is an existing regulation which we are reevaluating

. The Order also directed that the Agenda provide the status of all items listed on the previous Agenda.

EPA's previous Regulatory Agenda was published April 6, 1978.

COVERAGE

We have tried to list all significant actions which are going through the Agency's formal regulation development process, but we may have inadvertently omitted a few. Appearance or nonappearance in the Agenda carries with it no legal significance.

Executive Order 12044 gave general guidelines on determining what regulations were significant and which, therefore, should be included on the Agenda. It directed each agency to develop specific criteria for identifying significant regulations. We will describe our criteria for determining significant regulations in our final report responding to the Executive Order. I will be signing this report soon, and you will be able to obtain copies of it from Philip Schwartz (PM-223), Washington, D.C., 20460.

The Agency's formal process of regulation development starts when an Assistance Administrator sends a notice form to the Administrator and other senior management. This form notifies all EPA offices that a regulation is about to be prepared and allows these offices to plan their participation.

Different events might trigger the start of the Agency's formal regulation development process. The most common event is the passage of new legislation. Other common triggers include new scientific studies; advances in technology; petitions for rulemaking sent in from outside EPA; judicial documents such as court orders and consent agreements; and simply, operating experience with a particular regulation which may suggest ways that we can improve it.

EXPLANATION OF INFORMATION IN THE AGENDA

The Agenda lists prospective regulatory actions authorized by the following laws:

- the Clean Air Act (CAA)
- the Motor Vehicle Information and Cost Savings Act (MVICSA)
- the Safe Drinking Water Act (SDWA)
- the Noise Control Act (NCA)
- the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
- the Atomic Energy Act (AEA)
- the Public Health Service Act (PHSA)
- the Resource Conservation and Recovery Act (RCRA)
- the Toxic Substances Control Act (TSCA)
- the Federal Water Pollution Control Act as amended by the Clean Water Act (CWA)

The first column of the Agenda provides the following information about each regulation:

- A citation from the Code of Federal Regulations
- A short title
- A citation of statutory authority
- A description, including whether the item is an existing regulation which we are reevaluating

If the regulation may have economic consequences large enough to require a regulatory analysis, an asterisk (*) appears at the beginning of the entry.

The second column lists the date we proposed a regulation in the FEDERAL REGISTER or the month in which we expect to propose it.

The third column lists the date we published a final regulation or the month in which we expect to publish the final regulation.

The fourth column provides the name, address, and phone number of whom to contact for each regulation.

DOUGLAS M. COSTLE,
Administrator.

NOVEMBER 20, 1978.

MAJOR EPA REGULATIONS UNDER CONSIDERATION

Name and description of regulation	Proposal date in FEDERAL REGISTER	Final date in FEDERAL REGISTER	Contact person and address
THE CLEAN AIR ACT			
We are developing the following seven items under the authority of secs. 108 and 109 of the CAA which direct the Administrator to establish national Ambient Air Quality Standards (NAAQS). To write a NAAQS for any pollutant, we first prepare a criteria document which contains the latest scientific knowledge on the kind and extent of public health and welfare problems caused by the presence of the pollutant in the air. If we revise the criteria document, we may find it necessary to also change the NAAQS. A National Primary Ambient Air Quality Standard defines the Maximum amount of an air pollutant which the Administrator of EPA determines is compatible with an adequate margin of safety to protect the public health. A National Secondary Ambient Air Quality Standard defines levels of air quality which the Administrator judges necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.			
40 CFR 50 **Review of NAAQS for Photochemical Oxidants.* CAA 108. The proposed regulation would change the existing primary, health-based standard to 0.10 ppm for a 1-hour average from the existing 0.08 ppm standard. The secondary, welfare-based standard would remain at 0.08 ppm for 1-hour average. The pollutant we control would be changed from photochemical oxidants to ozone, which is the principal measurable ingredient in photochemical oxidants.	June 22, 1978	December 1978	Joe Padgett (MD-12), Environmental Protection Agency, Research Triangle Park, N.C. 27711, 919-541-5204, FTS 8-629-5204.

MAJOR EPA REGULATIONS UNDER CONSIDERATION—Continued

Name and description of regulation	Proposal date in FEDERAL REGISTER	Final date in FEDERAL REGISTER	Contact person and address
	THE CLEAN AIR ACT		
40 CFR 50 **NAAQS for Lead.* CAA 108. EPA proposed an ambient lead standard of 1.5 micrograms per cubic meter averaged over 30 days. Public reaction has been mixed. Federal agencies and public interest groups support the proposal. Industry argues that: (1) the health data and analyses do not support the standard, (2) large parts of the secondary lead and foundry industries are *Technically* unable to comply, and (3) plant closures for economic and technical reasons will result from enforcement of the standard.	Dec. 14, 1977	Oct. 5, 1978	Do.
40 CFR 50 **Review of NAAQS for Carbon Monoxide.* CAA 108. The health basis for control of this pollutant will we reviewed. This requires preparation of an updated criteria document and analysis of whether or not NAAQS should be revised.	September 1979	February 1980	Do.
40 CFR 50 **Review of NAAQS for Sulfur Oxides.* CAA 108. A review of the health basis for control of this pollutant will require preparation of an updated criteria document and analysis of whether or not NAAQS should be revised.	May 1980	December 1980	Do.
40 CFR 50 **Review of Long Term NAAQS for Nitrogen Dioxide* CAA 108. The NAAQS for nitrogen dioxide is undergoing review. ORD will complete a revised criteria document by January 1979. Under the CAA amendments, the criteria and the decision to revise the standard must address both the long-term effects of NO2, and effects associated with other nitrogen species in the air, particularly nitrates, and nitric acid aerosol.	January 1979	June 1979	Do.
40 CFR 50 **Review of NAAQS for Particulates.* CAA 108. A review of the health basis for control of this pollutant will require preparation of an updated criteria document and analysis of whether or not NAAQS should be revised.	May 1980	December 1980	Do.
40 CFR 50 **Development of Short Term NAAQS for Nitrogen Dioxide.* CAA 109. The Clean Air Act Amendments of 1977 require proposal and promulgation of a 1-3 hour standard for NO2 unless EPA finds that such a standard is not necessary to protect the public health.	January 1979	June 1979	Do.
We are developing performance standards to control emissions from the following industries under sec. 111(b) of the CAA. This section requires that the Administrator develop New Source Performance Standards (NSPS) for stationary sources which significantly contribute to air pollution. The NSPS are based on the best system of continuous emission reduction which has been adequately demonstrated. The standards would apply to both new sources and existing sources which are modified after approval of the regulation.			
40 CFR 60 **NSPS—Fossil Fuel Steam Generators (Revision).* CAA 111. Revised standards are being proposed for utility boilers for control of SO2, NOx and particulates. The revised NSPS will apply to any fossil-fueled utility boiler with a heat input of 250 million Btu/hour or greater. The NSPS will require a percent removal of sulfur dioxide and will include an emission ceiling and an emission floor.	Sept. 19, 1978	March 1979	Don Goodwin (MD-13), Environmental Protection Agency, Research Triangle Park, N.C. 27711, 919-541-5271, FTS 8-629-5271.
40 CFR 60 *NSPS—Petroleum Liquid Storage Vessels.* CAA 111. This is a revision of 1974 NSPS. The revised standard will propose the use of double seals rather than single seals on floating roofs. The standard, as currently being developed, will essentially eliminate one of two types of seals currently in use.	May 18, 1978	do	Do.
40 CFR 60 *NSPS—Glass Manufacturing.* CAA 111. This regulation will address the problem of emissions from new glass manufacturing furnaces. The Governor of New Jersey requested that EPA develop national standards.	February 1979	December 1979	Do.
40 CFR 60 *NSPS—Internal Combustion Engines.* CAA 111. These regulations will require the application of best demonstrated control technology to control emissions from stationary internal combustion engines. It will also require States to act under sec. 111(d) to regulate these compounds from existing sources.	December 1978	do	Do.
40 CFR 60 *NSPS—Sulfur Recovery in Natural Gas Fields.* CAA 111. This regulation will control emissions of total reduced sulfur compounds.	July 1979	May 1980	Do.
40 CFR 60 *NSPS—Non-Metallic Minerals.* CAA 111. Particulate emissions from quarrying operations and related facilities will be controlled.	January 1979	December 1979	Do.
40 CFR 60 *NSPS—Organic Solvent Metal Cleaning.* CAA 111. This rule will control evaporative emissions from metal cleaning and degreasing operations.	March 1979	January 1980	Do.

MAJOR EPA REGULATIONS UNDER CONSIDERATION—Continued

Name and description of regulation	Proposal date in FEDERAL REGISTER	Final date in FEDERAL REGISTER	Contact person and address
	THE CLEAN AIR ACT		
40 CFR 60 *NSPS—Surface Coating Operations for Auto Assembly Plants.* CAA 111. Evaporative emissions from coating operations in the auto and light truck industry will be controlled.	February 1979	.....do	Do.
40 CFR 60 *NSPS—Synthetic Organic Chemical manufacturing.* CAA 111. Selection of a degree of control of emission from manufacture of over 100 major organic chemicals is to be made. A series of standards will be proposed.	March 1979	.....do	Do.
40 CFR 60 *NSPS—Can Coating.* CAA 111. This regulation will establish emission standards for volatile organic emissions from can coating operations.	November 1979	September 1980	Do.
40 CFR 60 *NSPS—Pressure Sensitive Tapes and Labels Coating.* CAA 111. This regulation will establish emission standards for volatile organic emissions from pressure sensitive tapes and label operations.	January 1980	November 1980	Do.
40 CFR 60 *NSPS—Metal Furniture Surface Coating.* CAA 111. This regulation will establish emission standards for volatile organic emissions from metal furniture operations.	December 1978	December 1979	Do.
40 CFR 60 *NSPS—Lead Battery Manufacturing.* CAA 111. This regulation will establish emission standards for lead and sulfuric acid mist emissions from lead battery manufacturing facilities. The action on H2S04 will key the requirement that States regulate existing sources under sec. 111(d).	April 1979	February 1980	Do.
40 CFR 60 *NSPS—Gas Turbines.* CAA 111. This regulation will establish limitations on oxide of nitrogen emissions from stationary gas turbines.	Oct. 3, 1977	February 1979	Do.
40 CFR 60 *NSPS—Industrial Boilers.* CAA 111. This regulation will control the emissions of particulates, NOx and SO2.	October 1980	August 1981	Do.
40 CFR 60 *NSPS—Phosphate Rock.* CAA 111. This regulation will control the emission of particulates.	May 1979	March 1980	Do.
40 CFR 60 *Aluminum Plant Flouride Control—Existing Plants.* CAA 111(d). These are guidelines for State control of flouride emissions from existing aluminum plants.	January 1979	November 1979	Do.
40 CFR 60 *Guidelines for Existing Kraft Pulp Mills.* CAA 111(d). These are guidelines to control sulfur (odors) from existing Kraft pulp mills will allow States flexibility in establishing controls.	Feb. 23, 1978	January 1979	Do.
40 CFR 60 *List of New Source Performance Standards.* CAA 111(f). The 1977 Clean Air Act requires the Administrator to list the categories of major stationary sources that are not already controlled by NSPS. He must then issue standards for these categories within 4 years.	Aug. 31, 1978	May 1979	Do.
We are developing emission standards for hazardous air pollutants under sec. 112 of the CAA. This section requires that the Administrator develop National Emission Standards for Hazardous Air Pollutants (NESHAPS) for emissions which cause or contribute to air pollution which results in an increase in mortality, or an increase in serious or incapacitating illness. The standards would apply to both new sources and existing sources.			
40 CFR 61 *NESHAPS: Asbestos-Iron Ore Beneficiation.* CAA 112. This regulation would establish limits on asbestos emissions from iron ore beneficiation facilities.	September 1979	July 1980	Don Goodwin (MD-13). Environmental Protection Agency, Research Triangle Park, N.C. 27711, 919-541-5271, FTS 8-629-5271.
40 CFR 61 *NESHAPS: Vinyl Chloride Amendments.* CAA 112. The proposed regulations have called for increased control of existing sources, stringent control of new sources, and a zero emission goal.	June 7,1977	Indeterminate	Do.
40 CFR 61 *NESHAPS: Handling and Storage.* CAA 112. This regulation would control the handling and storage of benzene and benzene-rich liquids.	August 1979	June 1980	Do.
40 CFR 61 *NESHAPS: Gasoline Distribution Systems.* CAA 112. This regulation would control benzene emissions from major marketing sources such as bulk terminals, bulk plants, and service stations.	Indeterminate	Indeterminate	Do.
40CFR 61 *NESHAPS—Refinery Sources.* CAA 112. This regulation would control the emission of benzene from point sources as well as from fugitive sources (pumps, valves, etc.) and waste disposal.	September 1979	November 1980	Do.
40 CFR 61 *NESHAPS—Maleic Anhydride.* CAA 112. This regulation would control the emission of benzene in the manufacture of maleic anhydride.	January 1979	November 1979	Do.
40 CFR 61 *NESHAPS—Ethyl Benzene.* CAA 112. This regulation would control the emission of benzene in the manufacture of ethyl benzene.	March 1979	January 1980	Do.

MAJOR EPA REGULATIONS UNDER CONSIDERATION—Continued

Name and description of regulation	Proposal date in FEDERAL REGISTER	Final date in FEDERAL REGISTER	Contact person and address
THE CLEAN AIR ACT			
40 CFR 61 *NESHAPS—Styrene.* CAA 112. This regulation would control the emission of benzene in the manufacture of styrene.	June 1979	April 1980	Do.
40 CFR 61 *NESHAPS: Asbestos Released from Crushed Stone.* CAA 112. Use of crushed serpentine rock for roadway surfacing may release significant quantities of asbestos. A monitoring program is under way and results indicate standards will be proposed.	May 1980	March 1981	Do.
40 CFR 61 *NESHAPS: Coke Oven Emission-Charging Operations.* CAA 112. The regulation would define coke oven emissions as a hazardous air pollutant. Charging operations would be regulated first. Regulations on top side leaks would follow.	December 1978	September 1979	Do.
40 CFR 61 *NESHAPS: Arsenic.* CAA 112. A health risk assessment is being conducted. If i is determined that arsenic emissions (primarily from copper smelters) are a hazardous air pollutant, then emission standards would be proposed.	December 1979		Joe Padgett (MD-12). Environmental Protection Agency, Research Triangle Park, N.C. 27711 919-541-5204, FTS 8-629-5204.
40 CFR 57 *Primary Nonferrous Smelter Orders.* CAA 119. These regulations will establish the substantive requirements of initial primary nonferrous smelter orders (NSO's) and the procedures to be used in issuing them. NSO's will allow certain copper, lead, and zinc smelters to delay compliance with the requirements for constant control of sulfur dioxide emissions and let them use tall stacks and supplementary control systems to meet ambient standards.	December 1978	April 1979	Judith Larsen (EN-341). Environmental Protection Agency, Washington, D.C. 20460, 202-755-2583.
40 CFR 56 *Noncompliance Penalties.* CAA 120. EPA is required to establish a penalty program to start collecting money from polluters after mid-1979 in an amount equal to the money the polluter saves by failing to obey the law.	....do	Undetermined	Bob Homiak (EN-341). Environmental Protection Agency, Washington, D.C. 20460, 202-755-2542.
40 CFR 51 *Tall Stack Regulation.* CAA 123. The regulations will specify what height stacks may be given credit for dispersion under State implementation plans.	November 1978	April 1979	Dick Rhoads (MD-15). Environmental Protection Agency, Research Triangle Park, N.C. 27711, 919-541-5251, FTS 8-629-5251.
40 CFR 51.240 *Regulations Providing for State/Local Consultation.* CAA 121. The regulations will ask the States to provide a satisfactory process of consultation with local governments, elected officials, and Federal land managers. The regulations will also require the States to choose a lead planning organization to coordinate the State Implementation Plan revisions for oxidants (smog) and carbon monoxide.	May 18, 1978	December 1978	John Hidinger (AW-445). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0481.
1979 Listing of Radioactive Pollutants. CAA 122. Determine whether radioactive pollutants shall be classified as 108, 111, or 112 pollutants or none of these categories.	August 1980	Undetermined	William A. Mills (AW-460). Environmental Protection Agency, Washington, D.C. 20460, 703-557-0704.
40 CFR 51 *Emission Offset Policy Regulations.* CAA 129. These regulations address the issue of whether and to what extent the national ambient air quality standards established under CAA restrict or prohibit growth of major new or expanded air pollution sources. These proposed revisions reflect the public comments (including four public hearings on the December 21 ruling and the changes required by CAA Amendments of 1977).	Dec. 21, 1976	November 1978	Kent Berry (MD-11). Environmental Protection Agency, Research Triangle Park, N.C. 27711, 919-541-5343, FTS 8-629-5343.
40 CFR 51 and 52 *Prevention of Significant Deterioration (PSD).* Set II. CAA 166. These regulations will insure that areas which are in compliance with hydrocarbon, carbon monoxide, photochemical oxidant, and nitrogen oxide standards will remain in compliance.	December 1979	October 1980	Dick Rhoads (MD-15). Environmental Protection Agency, Research Triangle Park, N.C. 27711, 919-541-5251, FTS 8-629-5251.
Visibility Protection. CAA 167(a). EPA is required to prepare a report to Congress and guidelines which require SIP's to address visibility problems.	October 1979	August 1980	Joe Padgett. Environmental Protection Agency, Research Triangle Park, N.C. 27711, 919-541-5204, FTS 8-629-5204.
40 CFR 85 *Requirements to Build Demonstration Cars Meeting 0.4 Gram/Mile NOx Standard.* CAA 202. All manufacturers with a least a 0.5 pct share of the U.S. passenger car market will have to build research vehicles which meet the 0.4 grams nitrogen dioxide per mile research objective. This regulation will be published in interim-final form.	December 1978	July 1979	Karl Hellman. Emission Control Technology Division, Environmental Protection Agency, 2565 Plymouth Rd., Ann Arbor, Mich. 48105, 313-668-4246.
40 CFR 86 *Light-Duty Diesel Particulate Standards.* CAA 202. EPA is required to set particulate standards for mobile sources starting in 1981. The regulation will contain 1981 standards and more stringent standards for 1983 and later model years.	....do	July 1979	Merrill Korth. Emission Control Technology Division, Environmental Protection Agency, 2565 Plymouth Rd., Ann Arbor, Mich. 48105, 313-668-4299.

MAJOR EPA REGULATIONS UNDER CONSIDERATION—Continued

Name and description of regulation	Proposal date in FEDERAL REGISTER	Final date in FEDERAL REGISTER	Contact person and address
	THE CLEAN AIR ACT		
40 CFR 86 *Heavy-Duty Diesel Particulate Standards.* CAA 202. Although required by CAA for 1981 models, there is no test procedure available that can be used as the basis for a standard. A 1983 model year is targeted.	December 1980	August 1980	Do.
40 CFR 86 *Test Procedures for Measuring Heavy Duty Evaporative Emissions.* CAA 202(a). The Clean Air Act requires that a test procedure be promulgated which will require measurement of evaporative emission from the vehicles as a whole. EPA will promulgate test procedure and standards.	December 1978	August 1980	Mike Leiferman. Environmental Protection Agency, Ann Arbor, Mich. 48105, 313-668-4271.
40 CFR 86 *Heavy-Duty Evaporative Emission Standards.* CAA 202(a). Standards will apply to heavy-duty gasoline vehicles and will control emissions due to evaporation of gasoline beginning in model year 1981.	January 1979	August 1980	Do.
40 CFR 86 *Light-Duty Truck Emission Standards (Up to 8500 lbs. Gross Vehicle Weight Rating—GVWR).* CAA 202(a). CAA requires standards for 6,000-8,500 lb trucks that represent a 90 percent reduction in HC and CO from baseline for 1983. Standards are expected to be equivalent in stringency to 1981 passenger car standards and are expected 1 year ahead of CAA deadline, i.e. 1982 model year. The same standards will also be applied to trucks under 6,000 lb GVWR.	....do	August 1979	William Houtmann. Environmental Protection Agency, Ann Arbor, Mich. 48105, 313-668-4272.
40 CFR 86 *HC and CO Emission Standards for Heavy Duty Vehicles (Over 8,500 Pounds).* CAA 202(a)(3). The CAA requires EPA to establish emission standards for engines for heavy-duty vehicles over 8,500 pounds. Standards for HC and CO are a 90 percent reduction from baseline emissions for 1983 model year. EPA is in the process of developing a new test procedure for measuring exhaust emissions and measurements of baseline emissions.	December 1978	December 1979	Chet France. Environmental Protection Agency, Ann Arbor, Mich. 48105, 313-668-4338.
40 CFR 86 *NOx Emission Standard for Heavy Duty Vehicles (Over 8,500 Pounds).* CAA 202(a)(3). The CAA requires EPA to establish emission standards for heavy-duty vehicles (over 6,000 lbs. GVWR). A 75 percent reduction for NOx beginning with 1985 model year. EPA is in the process of developing a new test procedure for measuring exhaust emissions and must then measure baseline emissions.	December 1979	September 1980	Do.
Fill Pipe Standards. CAA 202(a)(5). At such time as phase II vapor recovery regulations are promulgated, EPA is required to set standards for vehicle refueling orifices and associated parts of the fuel system to provide effective connection between the fill pipe and vapor recovery refueling nozzles. The effective model is to be determined on the basis of lead time required for design and production of the required systems. The type of fill pipe needed depends of whether phase II or on-board HC control is selected by EPA.	September 1979	June 1980	Ernie Rosenberg (AW-455). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0596.
On-Board Hydrocarbon Technology. CAA 202(a)(6). Under this section EPA is required to determine whether onboard HC controls are feasible and more desirable than Phase II: Vapor Recovery, taking into consideration such factors as fuel economy, costs, admininstrative burdens, equitable distribution of costs and safety. If found feasible and desirable, onboard HC control standards are to be set by EPA, with such lead time as is needed for implementation. In issuing such regulations, EPA is required to consult with the Department of Transportation regarding the safety of the controls.	September 1979	June 1980	Paul Stolpman (AW-443). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2484.
40 CFR 86 *Interim High Altitude Requirements.* CAA 202(a), (f). The regulations will set requirements for car to meet the standards at high altitude for 1981-83.	December 1978	August 1979	William Houtmann. Environmental Protection Agency, Ann Arbor, Mich. 48105, 313-668-4272.
40 CFR 85 *Importation of Motor Vehicles and Motor Vehicle Engines.* CAA 203. The regulation attempts to improve the effectiveness and administration of EPA's program to prevent importation of vehicles and engines which fail to conform to Federal emission standards.	December 1978	July 1979	Tom Preston (EN-340). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0944.
40 CFR 86 *Regulations Defining Certificate of Conformity.* CAA 206(a). The regulations will identify the components and specifications that are a required part of motor vehicle certification; the parameters of allowable deviation of parts; and the specifications for the certification tests.	Dec. 23, 1974	March 1979	Do.

MAJOR EPA REGULATIONS UNDER CONSIDERATION—Continued

Name and description of regulation	Proposal date in FEDERAL REGISTER	Final date in FEDERAL REGISTER	Contact person and address
THE CLEAN AIR ACT			
40 CFR 86 *Selective Enforcement Auditing of Motorcycles.* CAA 206(b). The regulation will establish a program for testing motorcycles at the assembly line to assure compliance with emission standards.	Holding		Frank Slaveter (EN-338). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0596.
40 CFR 86 *Selective Enforcement Auditing of Heavy Duty Engines and Vehicles.* CAA 206(b). The regulation will establish a program for testing heavy duty engines and vehicles at the assembly line to assure compliance with emission standards.	December 1978	February 1979	Do.
40 CFR 86 *Engine Parameter Adjustment Regulations.* CAA 206(b). This regulation will limit the adjustment parameters of emissions-related controls on vehicles to ensure that after the vehicles pass certification tests, they are not readjusted in the field by dealerships or service stations to improve their driveability at the cost of increased emissions.	Oct. 21, 1977	November 1978	Ron Kruse. Environmental Protection Agency, Ann Arbor, Mich. 48105, 313-668-4317.
40 CFR 86 *1984 High Altitude Standards.* CAA 206(f). These regulations will require all vehicles to meet standards at all altitudes beginning with 1984 models.	May 1981	May 1982	Ernie Rosenberg (AW-455). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0596.
40 CFR 86 *Penalties for Noncomplying Heavy-Duty Engines and Vehicles.* CAA 206(g). This regulation would allow heavy-duty engine or vehicle manufacturers to sell vehicles or engines exceeding the standards if they pay a noncompliance penalty. They still would not be sold, however, if they exceed an upper limit.	December 1978	February 1979	Frank Slaveter (EN-338). Environmental Protection Agency, Washington, D.C. 20460, 202-755-1572.
40 CFR 86 *Emission Control Warranty.* CAA 207(a)(1). The regulations activate a manufacturer's warranty that becomes enforceable if the vehicle exceeds emission standards as a result of defects present at the time of sale.	December 1978	June 1979	Rick Friedman (EN-340). Environmental Protection Agency, Washington, D.C. 20460, 202-426-4690.
40 CFR 86 *Aftermarket Parts Certification.* CAA 207(a)(2). The regulation establishes guidelines so aftermarket parts manufacturers can certify that their parts do not degrade emissions.	January 1979	August 1979	David Feldman (EN-340). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0297.
40 CFR 86 *Short Test for Emission Warranties.* CAA 207(b). The regulation establishes procedures for tests of emissions from light duty trucks and light duty vehicles to be performed in conjunction with inspection/maintenance programs.	May 25, 1977	January 1979	Dick Nash. Environmental Protection Agency, Ann Arbor, Mich. 48105, 313-668-4412.
40 CFR 85 *Emission Control (Performance) Warranty.* CAA 207(b)(2). This regulation specifies performance warranty requirements based on short-cycled emissions test for in-use vehicles. It was proposed in May 1977 and is now being reproposed to take the Clean Air Act Amendments into account.	November 1978	April 1979	David Feldman (EN-340). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0297.
40 CFR 79.6 *Fuels and Fuel Additives Protocols for Testing.* CAA 211. The protocols will help determine effects of fuels and fuel additives on public health and emission control devices.	January 1979	May 1979	Matt Bills (RD-680). Environmental Protection Agency, Washington, D.C. 20460, 202-426-4452.
40 CFR 86 *High Altitude Performance Adjustments.* CAA 215. EPA is required to set procedures by which manufacturers must have adjustments to their cars for high altitude operation approved.	February 1979	February 1980	Ernie Rosenberg (AW-455). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0596.
40 CFR 86 *Turbine Aircraft Gaseous Emissions Retrofit and Modification of 1973 Standards.* CAA 231. This regulation will propose, and for some classes of aircraft, repropose emission standards for large aircraft to reduce HC, NOx, and CO.	Mar. 24, 1978	September 1979	William Houtmann. Environmental Protection Agency, Ann Arbor, Mich. 48105, 313-668-4272.
40 CFR 56 *Regional Consistency.* CAA 301. EPA is required to provide for consistent implementation of the Clean Air Act by the various EPA Regional Offices.	January 1979	Undetermined	Darryl Tyler (MD-13). Environmental Protection Agency, Research Triangle Park, N.C. 27711, 919-541-5251, FTS 8-629-5425.
40 CFR 51, 52, 53, 58, and 60 *Monitoring Regulations.* CAA 319. These regulations will revise the requirements for State and local air pollution monitoring for purposes of State implementation plans and for reporting air quality data to EPA.	Aug. 7, 1978	January 1979	Robert Neligan (MD-14). Environmental Protection Agency, Research Triangle Park, N.C. 27711, 919-541-5447, FTS 8-629-5447.
THE MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT (MVICSA)			
40 CFR 85 *Testing Retrofit Devices for Fuel Economy Performance.* MVICSA 511. The regulation provides for EPA evaluation of claims by a manufacturer that it has produced a fuel economy retrofit device.	Aug. 10, 1977	December 1978	Ernie Rosenberg (AW-455). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0596.

MAJOR EPA REGULATIONS UNDER CONSIDERATION—Continued

Name and description of regulation	Proposal date in FEDERAL REGISTER	Final date in FEDERAL REGISTER	Contact person and address
THE CLEAN WATER ACT (Federal Water Pollution Control Act as amended by the Clean Water Act Amendments of 1977)			
40 CFR 35(F) *State Management Assistance.* CWA 101(b)/205. States may use up to 2 percent of their title II allotment or $400,000 whichever is greater, to finance the administration of sec. 201, 203, 208, 212, 402, and 404 programs.	Apr. 25, 1978, interim final	Sept. 27, 1978	Joe Easley (WH-547). Environmental Protection Agency, Washington, D.C. 20460, 202-426-4445.
7 CFR 634 *Agricultural Cost Sharing.* CWA 208(j).). The Department of Agriculture will provide grants covering up to 59 percent of costs to install best management practices for water quality management. The program will be imple-by the USDA. The regulations will be promulgated by USDA with EPA concurrence.	June 22, 1978	To be determined	Joe Krivak (WH-585) Environmental Protection Agency, Washington, D.C. 20460, 202-755-7000.
40 CFR 35 *Water Quality Management Regulations.* CWA 106, 208, 303(e). These regulations revise and update the water quality management regulations previously issued under 40 CFR 130 and 131.	Sept. 12, 1978	January 1979	Linda Eichmiller (WH-554). Environmental Protection Agency, Washington, D.C. 20460, 202-755-6965.
40 CFR 35.15 *State 208 Regulatory Programs for Dredge and Fill Materials.* CWA 208(b)(4). These regulations will authorize States to establish regulatory programs for the discharge of dredge and fill material to supplement State 404 permit programs.	January 1979	July 1979	Joe Krivak. Environmental Protection Agency, Washington, D.C. 20460, 202-755-7000.
40 CFR 233 *Modification of Secondary Treatment Requirements for Marine Dischargers.* CWA 301(h). The 1977 amendments of the Clean water Act allow EPA to modify the treatment requirements for existing ocean dischargers from Publicly Own Treatment Works (POTW's) in regard to the required degree of removal of Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), and pH. Applicants are required to meet eight specific 301(h) criteria in addition to any other applicable criteria of the Act. The receipt of modification would not relieve a POTW from compliance with performance standards which EPA will later publish to reflect Best Practicable Wastewater Treatment Technology (BPWTT). This rule establishes the criteria which EPA will apply and the procedures it will follow in its evaluation of application for a modification.	Apr. 25, 1978	December 1978	Tom O'Farrell (WH-551). Environmental Protection Agency, Washington, D.C. 20460, 202-426-8976.
40 CFR 124 *Extension of Pollution Control Deadlines for Publicly Owned Treatment Works and Other Point Sources Planning to Discharge to Those Publicly Own Treatment Works.* CWA 301(j). This regulation establishes criteria which EPA and NPDES States will use in reviewing requests for 301(l) extensions from the July 1, 1977, treatment requirements.	May 16, 1978, interim final	Will be incorporated into NPDES program regulations 40 CFR 122 to 125.	Ed Kramer (EN-336). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0750.
40 CFR 125 *Requirements for Application for 301 (c) and (g) Variances.* CWA 301(j)(1)(B). These regulations require discharges desiring 301 (c) and (g) variances to file initial applications by Sept. 25, 1978, or 270 days after promulgation of BAT limitations whichever is later .	Sept. 13, 1978, interim final	January 1979, will be incorporated into NPDES program regulations 40 CFR 122 to 125.	Scott Siesinger (EN-336). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0750.
Effluent guidelines representing best available treatment technology, new source performance standards, and pretreatment standards are being developed for the following industries to comply with the Act and a court order mandating control of certain toxic substances in industrial effluents. CWA 301, 304, 306, and 307.			
40 CFR 420 *Iron and Steel Manufacturing*	November 1979	May 1980	Ernst Hall (WH-552). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2576.
40 CFR 435 *Petroleum Refining*	March 1979	October 1979	Robert Dellinger (WH-552). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2497.
40 CFR 429 *Timber Products Processing*	May 1979	December 1979	John Riley (WH-552). Environmental Potection Agency, Washington, D.C. 20460, 202-426-5554.
40 CFR 423 **Steam Electric Power Plants*	.....do	.....do	John Lum (WH-552). Environmental Protection Agency, Washington, D.C. 20460 202-426-4617
40 CFR 425 *Leather Tanning and Finishing*	January 1979	August 1979	William Sonnett (WH-552). Environmental Protection Agency, Washington, D.C. 20460 202-426-2440.
40 CFR 421 *Nonferrous Metals Manufacturing*	August 1979	March 1980	Patricia Williams (WH-552). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2586.

MAJOR EPA REGULATIONS UNDER CONSIDERATION—Continued

Name and description of regulation	Proposal date in FEDERAL REGISTER	Final date in FEDERAL REGISTER	Contact person and address
THE CLEAN WATER ACT			
40 CFR 46 *Paint and Ink Formulation*	September 1979	April 1980	Richard Gigger (WH-552). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2583.
40 CFR 448 *Printing and Publishing Services*	November 1979	June 1980	Do.
40 CFR 440 *Ore Mining and Dressing*	....do	July 1980	Gail Coad (WH-586). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2503.
40 CFR 434 *Coal Mining*	December 1979	June 1980	William Telliard (WH-586). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2726.
40 CFR 414 *Organic Chemicals Manufacturing*	January 1980	August 1980	Paul Farenthold (WH-552). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2497.
40 CFR 415 *Inorganic Chemicals Manufacturing*	September 1979	April 1980	Walter Hunt (WH-552). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2724.
40 CFR 410 *Textile Mills*	May 1979	December 1979	James Gallup (WH-552). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2554.
40 CFR 416 *Plastics and Synthetic Material*	January 1980	August 1980	Paul Fahrenthold (WH-552). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2497.
40 CFR 430 *Pulp and Paper*	February 1980	....do	Bob Dellinger (WH-552). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2554.
40 CFR 428 *Rubber Processing*	June 1979	January 1980	Do.
40 CFR 417 *Soap and Detergents Manufacturing*	July 1980	July 1981	Sammy Ng (WH-586). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2503.
40 CFR 444 *Auto and Other Laundries*	December 1979	July 1980	Richard Gigger (WH-552). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2583.
40 CFR 456 *Miscellaneous Chemicals—Adhesives and Sealants.*	February 1980	August 1980	Elwood Forsht (WH-552). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2707.
40 CFR 457 *Miscellaneous Chemicals—Explosives Manufacturing.*	December 1979	July 1980	Elwood Martin (WH-552). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2440.
40 CFR 454 *Miscellaneous Chemicals—Gum and Wood.*	August 1979	March 1980	Richard Williams (WH-552). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2555.
40 CFR 455 *Miscellaneous Chemicals—Pesticides*	March 1980	October 1980	George Jett (WH-552). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2497.
40 CFR 439 *Miscellaneous Chemicals—Pharmaceuticals.*	December 1979	July 1980	Joe Vitalis (WH-552). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2497.
40 CFR 413 *Electroplating*	March 1980	October 1980	Maurice Owens (WH-586). Environmental Protection Agency, Washington, D.C. 20460, 202-755-1331.
40 CFR 459 *Machinery and Mechanical Products—Photographic Equipment and Supplies.*	February 1980	August 1980	Ernst Hall (WH-552). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2576.
40 CFR 433 *Machinery and Mechanical Products—Mechanical Products.*	August 1980	March 1981	Do.
40 CFR 469 *Machinery and Mechanical Products—Electrical and Electronic Components.*	March 1980	October 1980	Do.
40 CFR 464 *Machinery and Mechanical Products—Foundry Operations.*	October 1979	May 1980	Do.
40 CFR 468 *Machinery and Mechanical Products—Copper and Copper Alloy Products.*	April 1980	November 1980	Do.
40 CFR 461 *Machinery and Mechanical Products—Battery Manufacturing.*	March 1980	October 1980	Do.
40 CFR 465 *Machinery and Mechanical Products—Coil Coating.*	August 1979	March 1980	Do.
40 CFR 463 *Machinery and Mechanical Products—Plastics Processing.*	October 1980	May 1981	Do.
40 CFR 466 *Machinery and Mechanical Products—Porcelain Enamel.*	October 1979	May 1980	Ernst Hall (WH-552). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2576.
40 CFR 467 *Machinery and Mechanical Products—Aluminum Forming.*	March 1980	October 1980	Do.

MAJOR EPA REGULATIONS UNDER CONSIDERATION—Continued

Name and description of regulation	Proposal date in FEDERAL REGISTER	Final date in FEDERAL REGISTER	Contact person and address
	THE CLEAN WATER ACT		
40 CFR 124 and 125 *Veto Modification.* CWA 301(b)(a), 304(1), 307(a), 402(b), 501(a). This regulation revises existing regulations to conform to the requirements in the NRDC versus Train Consent Decree June 8, 1976 and to clarify the procedures under which EPA will exercise its power to object to (veto) State issued NPDES permits.	Jan. 6, 1978	May 23, 1978	Ed Kramer (EN-336). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0750.
40 CFR 125 *Substantive Criteria for 301(c) and (g) Variances from BAT Requirements.* CWA 301 (c) and (g). This criteria will establish information necessary for assessment of economic and environmental variance requests.	January 1979	Will be incorporated into NPDES program regulations 40 CFR 122 to 125.	Do.
40 CFR 130.17 **Revision of Water Quality Standards Regulation (Part 130.17).* CWA 303. This regulation will amend the existing regulation covering State Water Quality Standards to establish requirements regarding States adopting standards for toxic pollutants when EPA has issued national ambient water quality criteria for those pollutants. One effect of this amendment will be that dischargers (both municipal and industrial) may have to install treatment technology beyond that required by Best Available Wastewater Treatment Technology (BPWTT) or Best Available Technology (BAT) guidelines.	March 1979	March 1980	Ken Mackenthun (WH-585). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0100.
40 CFR *Quality Criteria for Water: Volume II.* CWA 304(a). Ambient water quality criteria will be established for 65 pollutants.	(29 pollutants) March 1979 (36 pollutants) July 1979	September 1979 December 1979	Do.
40 CFR 400 to 469 *Secondary Industry Review.* CWA 304(b). This regulation will provide for promulgated of Best Practicable Conventional Pollutant Control Technology (BTC) for certain subcategories of the "secondary industries" industries not covered by the NRDC Settlement Agreement. For other subcategories, Best Available Technology (BAT) limits will be suspended. The methodology that will be used for BCT for secondary industries will also be applied to BCT for primary industries at the time that BAT regulations are established.	Aug. 23, 1978	April 1979	Dave Fege (WH-586). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2617.
40 CFR 125 *Criteria and Standards for Imposing Best Management Practices for Ancillary Industrial Activities.* CWA 304(e). This regulation will indicate how "best management practices" for on-site industrial activities may be imposed in NPDES permits to prevent release of toxic and hazardous pollutants to surface waters.	Sept. 1, 1978	Will be incorporated into NPDES program regulations 40 CFR 122 to 125.	Ed Kramer (EN-336). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0750.
General Pretreatment Regulations for Existing and New Sources of Pollution. CWA 307(b)(1). This regulation establishes requirements and procedures for a general pretreatment program including development of State and local programs.		June 26, 1978	Steve Heare (WH-586). Environmental Protection Agency, Washington, D.C. 20460, 202-755-6885.
40 CFR 117 *Revision of Hazardous Substances Discharge Regulations.* CWA 311. As a result of amendments of sec. 311, pts. 117 and 119 will be withdrawn and pt. 118 revised, principally to clarify which dischargers will be subject to the provisions of sec. 311.	November 1978	December 1978	Colburn T. Cherney (A-131). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0760.
40 CFR *Oil Spill Liability.* CWA 311(q). This rule will establish maximum limits of liability for fixed non-transportation related facilities which may face cleanup liabilities under sec. 311.	September 1979	June 1980	Joseph Lewis (WH-585). Environmental Protection Agency, Washington, D.C. 20460, 202-245-0581.
40 CFR 140 *Marine Sanitation Devices.* CWA 312. These rules will establish secondary treatment or equivalent for ships navigating the Great Lakes.			Jonathan Amson (WH-585). Environmental Protection Agency, Washington, D.C. 20460, 202-245-3036.
40 CFR 140 *Drinking Water Intake Zone Exemptions.* CWA 312. These regulations, which will establish guidance for State no-discharge prohibitions for drinking water intake zones, are a part of the Marine Sanitation Devices regulations.			Do.
40 CFR 35 *Clean Lakes.* CWA 314. These rules will establish procedures for administering grants to the States for the purpose of restoring lakes.	December 1978	February 1979	Robert Johnson (WH-585). Environmental Protection Agency, Washington, D.C. 20460, 202-472-3400.
40 CFR 151 *Hazardous Substances Pollution Prevention for Facilities Subject to Permitting Requirements.* CWA 402. This proposed regulation sets forth requirements for Spill Prevention Control and Countermeasure Plans for nontransportation related facilities which handle hazardous substances and are subject to NPDES permits.	Sept. 1, 1978	February 1979	Thomas J. Charlton (WH-548). Environmental Protection Agency, Washington, D.C. 20460, 202-245-3045.
40 CFR *NPDES Program.* CWA 402. This regulation revises, updates, clarifies, and reorganizes existing NPDES regulations.	Aug. 21, 1978	January 1979	Ed Kramer (EN-336). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0750.
40 CFR 124 *Veto Modification.* CWA 402. These regulations will establish the use of short-term permits as the preferred mechanism for assuring compliance with NRDC Consent Decree.	May 23, 1978		Do.

MAJOR EPA REGULATIONS UNDER CONSIDERATION—Continued

Name and description of regulation	Proposal date in FEDERAL REGISTER	Final date in FEDERAL REGISTER	Contact person and address
THE CLEAN WATER ACT (Federal Water Pollution Control Act as amended by the Clean Water Act Amendments of 1977)			
40 CFR 231 *Ocean Discharge Criteria.* CWA 403(c). These guidelines pertain to discharges to the ocean. They are based on prevention of environmental degradation of waters of the territorial seas, the contiguous zone, and the oceans. Both industrial and municipal dischargers would have to meet these criteria.	April 1979	December 1979	Tom O'Farrell (WH-551). Environmental Protection Agency, Washington, D.C. 20460, 202-426-8976.
40 CFR 230 *Guidelines to Protect the Aquatic Environment, Including Wetlands, From the Discharge of Dredged or Fill Material.* CWA 404(b)(1). These guidelines must be considered in the issuance of individual and general permits, in the preparation of Environmental Impact Statements (EIS's) for Federal activities specifically authorized by the Congress, and in preparation of Best Management Practices (BMP's) under the State 208(b)(4)(B) program. Failure to comply with these guidelines justifies denial of permit applications and return of State permit programs to the Corps of Engineers. Sept. 5, 1975, interim-final guidelines are being revised and expanded by this effort.	January 1979	July 1979	John Crowder (WH-585). Environmental Protection Agency, Washington, D.C. 20460, 202-472-3400.
40 CFR 123 *Procedural Regulations Concerning State Qualifications for Assuming the Section 404 Permit Program.* CWA 404(g). Certain requirements that must be met for States to assume permitting authority under sec. 404(g) such as codification of State laws and certifications by the State attorney general are similar to NPDES requirements. Therefore, the appropriate parts of sec. 404(g) have been included in the proposed revision of existing regulations for NPDES in pt. 123.	Oct. 21, 1978	December 1978	Office of Water Enforcement. Environmental Protection Agency, Washington, D.C. 20460, 202-755-0440.
40 CFR 127 *Procedural Regulations for Exercising the 404(c) Veto.* CWA 404(c). These regulations will establish the procedures for preventing the discharge of dredged or fill material into a defined area of the waters of the United States.	January 1979	July 1979	John Crowder. Environmental Protection Agency, Washington, D.C. 20460, 202-472-3400.
40 CFR 126 *Substantive Regulations Concerning State Implementation of Section 404 Permit Program.* CWA 404(g), (h). States may propose for approval by the Administrator of EPA a sec. 404 program in lieu of the Federal for permitting the discharge of dredge or fill material in certain waters of the United States. These regulations described the components of a State permit program that will be minimally acceptable to the Administrator.	January 1979	July 1979	Do.
40 CFR 258 *Sewage Sludge Disposal.* CWA 405 and RCRA 4004. These regulations are to assure that municipal sludge is managed in a manner that will protect public health and the environment and that valuable resources are conserved through beneficial utilization where practicable.	July 1979	August 1980	Bruce Weddle (WH-564). Environmental Protection Agency, Washington, D.C. 20460, 202-755-9120.
THE SAFE DRINKING WATER ACT			
40 CFR 141 **Control of Organic Chemical Contaminants in Drinking Water.* SDWA 1412. The first part of this regulation sets a maximum contaminant levels for trihalomethanes and the second part establishes a required treatment techniques for synthetic organic chemicals.	Feb. 9, 1978	January 1979	Joe Cotruvo (WH-550). Environmental Protection Agency, Washington, D.C. 20460, 202-472-5016.
40 CFR 141 *Technical Amendments to the National Interim-Primary Drinking Water Regulations.* SDWA 1412. These regulations will be adjustments to the previously published National Interim-Primary Drinking Water regulations.	December 1978	April 1979	Do.
40 CFR 143 *National Secondary Drinking Water.* SDWA 1412(C). These regulations will be nonenforceable guidelines on esthetic drinking water quality.	Mar. 31, 1977	February 1979	Frank Bell (WH-550). Environmental Protection Agency, Washington, D.C. 20460, 202-472-6820.
40 CFR 146 *Underground Water Source Protection Program Grants.* SDWA 1443(b). This regulation would set forth requirements for underground injection control grants.	Aug. 31, 1976	Oct. 12, 1978	Tom Belk (WH-550). Environmental Protection Agency, Washington, D.C. 20460, 202-426-3934.
40 CFR 146 *Underground Water Source Protection Program.* SDWA 1421(a). These regulations are intended to protect groundwater drinking supplies from contamination caused by improper underground injection of fluids. The vast majority of injection practices occurs in the oil and gas industry. States can apply for primary enforcement authority if they meet the minimum criteria specified in the regulations. The regulations can require a permit program to ensure that a case-by-case determination is made.	January 1979 (reproposal)	May 1979	Do.

MAJOR EPA REGULATIONS UNDER CONSIDERATION—Continued

Name and description of regulation	Proposal date in FEDERAL REGISTER	Final date in FEDERAL REGISTER	Contact person and address
THE NOISE CONTROL ACT			
40 CFR 205 *Light Duty Motor Vehicles.* NCA 5. This action will result in a decision regarding whether or not light duty vehicles are or are not a major noise source. If they are found to be, then resulting noise emission and/or noise labeling standards will be prepared.	Work plan under development		William Roper (AW-490). Environmental Protection Agency, Washington, D.C. 20460, 703-557-7747.
40 CFR 205 *Buses.* NCA 5/6. This regulation will set noise emission standards for new inter-State, inner-city, and schoolbuses.	Sept. 12, 1977	June 1979	Do.
40 CFR 204 *Truckmounted Solid Waste Compactor.* NCA 5/6. The regulations sets noise emission standards for solid waste compactors.	Aug. 26, 1977	June 1979	Kenneth Feith (AW-490). Environmental Protection Agency, Washington, D.C. 20460, 703-557-2710.
CFR 206, 207 *Lawnmowers.* NCA 5/6. The regulation sets noise emission standards for new lawnmowers.	October 1979	October 1980	Henry Thomas (AW-490). Environmental Protection Agency, Washington, D.C. 20460, 703-557-7743.
40 CFR 204 *Pavement Breakers and Rock Drills.* NCA 5/6. The regulation sets noise emission standards for new pavement breakers and rock drills.	June 1979	June 1980	Kenneth Feith (AW—490). Environmental Protection Agency, Washington, D.C. 20460, 703-557-2710.
40 CFR 204 *Truck Transported Refrigeration Units.* NCA 5/6. The regulation sets noise emission standards for new truck transport refrigeration units.	Developmental work halted pending analysis of regulatory alternatives.		Do.
40 CFR 204 *Wheel and Crawler Tractors.* NCA 5/6. The regulation sets a noise emission standard for new wheel and crawler tractors.	July 11, 1977	June 1979	Henry Thomas (AW-490). Environmental Protection Agency, Washington, D.C. 20460, 703-557-7743.
40 CFR 205 *Motorcycles.* NCA 5/6. This regulation sets noise emission standards for motorcycles and replacement exhaust systems.	Feb. 15, 1978	October 1979	William Roper (AW-490). Environmental Protection Agency, Washington, D.C. 20460, 703-557-7747.
40 CFR 211 *Labeling: Hearing Protectors.* NCA 8. The regulation requires the labeling of hearing protectors.	June 22, 1977	January 1979	Henry Thomas (AW-490). Environmental Protection Agency, Washington, D.C. 20460, 703-557-7743.
40 CFR 211 *Labeling: General.* NCA 8. The regulation establishes general labeling provisions.	....do	....do	Do.
40 CFR 210 *Administrative Hearing Procedures.* NCA 11. These procedures will apply to hearings for the issuance of remedial orders under sec. 11(d) of the Act. As mandated, these are adjudicatory hearings under the Administrative Procedure Act, 5 U.S.C. 554.	Aug. 3, 1978	December 1978	Jim Kerr (EN-387). Environmental Protection Agency, Washington, D.C. 20460, 703-557-7410.
40 CFR 203 *Low Noise Emission Products.* NCA 15. This regulation allows a determination of when a product is a low noise emission product and whether it is suitable for special consideration in Federal purchasing.	May 27, 1977	May 1979	Henry Thomas (AW-490). Environmental Protection Agency, Washington, D.C. 20460, 703-557-7743.
40 CFR 205 *Interstate Rail Carriers.* NCA 17. This regulation sets noise emission standards for railroad "facilities." EPA has prepared this regulation as a result of a successful lawsuit brought by the Association of American Railroads which said EPA's regulations setting noise emission standards for locomotives and cars failed to address the related problem of noise from facilities such as railroad yards. The Court ordered EPA to adopt final regulations controlling railroad facilities—everything in addition to the cars and locomotives.	December 1978	February 1979	William Roper (AW-490). Environmental Protection Agency, Washington, D.C. 20460, 703-557-7747.
40 CFR 201 *Special Local Conditions.* NCA 17(c)2/18(c)2. The regulation establishes procedures permitting adoption by a State or otherwise preempted State and local rail and motor carrier noise regulations when necessitated by special local conditions..	Nov. 29, 1976		Henry Thomas (AW-490). Environmental Protection Agency, Washington, D.C. 20460, 703-557-7743.
40 CFR 202 *Interstate Motor Carrier.* NCA 18. This action will update the noise emission standards for interstate motor carriers to reflect increased knowledge about available noise abatement technology.	Work plan under development		William Roper (AW-490). Environmental Protection Agency, Washington, D.C. 20460, 703-557-7747.

MAJOR EPA REGULATIONS UNDER CONSIDERATION—Continued

Name and description of regulation	Proposal date in FEDERAL REGISTER	Final date in FEDERAL REGISTER	Contact person and address
THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT			
40 CFR 162 *Pesticide Registration Guidelines:* *Introduction.* FIFRA 3. This subpart B (will become A) includes the general purposes of all of the guidelines, degree of flexibility in requirements and in interim data usage, definition of terms used throughout the guidelines, and requirements for retention of data and test samples at laboratories.	July 10, 1978	April 1979	Bill Preston (TS-769). Environmental Protection Agency, Washington, D.C. 20460, 703-557-7351.
Experimental Use Permits. FIFRA 3. This subpart A (will become subpart C) specifies the data that must be submitted in support of an application for an experimental use permit.	.....	.....	Do.
Chemistry Requirements. FIFRA 3. This subpart D covers data submission requirements relating to chemistry of pesticide products' active ingredients and their formulation components and manufacturing impurities. (Chemical study requirements dealing with environmental fate of pesticides may be included here or be moved to a new subpart.).	July 10, 1978	April 1979	Do.
Hazard Evaluation: Wildlife and Aquatic Organisms. FIFRA 3. This subpart E outlines the data submission requirements for studies of pesticide effects on birds, wild mammals, fish, and other aquatic animals.	.....do	May 1979	Do.
Hazard Evaluation: Humans and Domestic Animals. FIFRA 3. This subpart F delineates the data submission requirements for studies of pesticide effects in laboratory animals involving oral, dermal, and inhalation uptake routes, acute, subchronic, anbd chronic exposures, and including local or systemic injury and maladies such as oncogenic, teratogenic, mutagenic, and neurotoxic effects.	Aug. 22, 1978	June 1979	Do.
Product Performance. FIFRA 3. This subpart G specifies the data submission requirements that registrants must submit to demonstrate that the prospective pesticide product will control the pests or control undesired growth or behavior as specified in label claims.	December 1978	August 1979	Do.
Label Development. FIFRA 3. This subpart H describes all essential parts of a pesticide product label, how labeling and label statements must comply with the Act, and how claims and directions must correspond to evidence presented or on hand in data on efficacy and safety.	March 1979	October 1979	Do.
40 CFR 162 *Pesticide Use Restrictions.* FIFRA 3. This regulation will classify pesticide uses for restricted use..	December 1978	January 1979	Walt Waldrop (TS-770). Environmental Protection Agency, Washington, D.C. 0460, 202-755-7014.
Conditional Registration Regulation. FIFRA 3(c)(7) (A) and (B). This interim/final regulation would establish procedures for conditional registration of pesticide products which are identical or substantially similar to those currently registered or new uses of existing pesticide products.	.....	February 1979	Bob Rose (TS-767). Environmental Protection Agency, Washington, D.C. 20460, 202-426-2510.
Conditional Registration Regulation. FIFRA 3(c)(7)(C). This regulation provides for the conditional registration of new chemicals when certain data are missing.	July 1979	.....	Do.
40 CFR 162.9, 173 *Registration Data Compensation.* FIFRA 3(C)(1)(D). These rules provide for compensation when one pesticide registrant relies on test data generated by another registrant.	June 21, 1977	February 1979	Ed Gray (A-132). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0846.
40 CFR 172 *State Experimental Use Permits.* FIFRA (5)f. The regulation defines the scope of State jurisdiction to allow experimental uses of pesticides.	Sept. 30, 1975, interim final	.....	Phil Gray (TS-770). Environmental Protection Agency, Washington, D.C. 20460, 202-755-7014.
40 CFR 165 *Storage and Disposal Practices (Prohibition).* FIFRA 19. These rules will prohibit dangerous or environmentally unsound pesticide storage practices.	Oct. 15, 1974	Will not be issued	John Lehman (WH-565). Environmental Protection Agency, Washington, D.C. 20460, 202-755-9185.
40 CFR 162 *State Registration to Meet Special Local Needs.* FIFRA 24(c). This part defines the scope of State jurisdiction over the registration of pesticides.	Sept. 3, 1975	March 1979	Phil Gray (TS-770). Environmental Protection Agency, Washington, D.C. 20460, 202-755-7014.
40 CFR 162.16 *Pesticide Special Packaging Regulations.* FIFRA 25. The rule prescribes when and what form of child-proof packaging is required.	Feb. 16, 1977	December 1978	Maureen Grimmer (TS-766). Environmental Protection Agency, Washington, D.C. 20460, 202-755-8030.
40 CFR 162 *Exemption of New Human Drugs.* FIFRA 25(c)(2). This part would exempt from FIFRA pesticides that are also new drugs regulated by FDA.	Oct. 13, 1978	.....do	Dave Brandewein (TS-766). Environmental Protection Agency, Washington, D.C. 20460, 202-755-8037.

MAJOR EPA REGULATIONS UNDER CONSIDERATION—Continued

Name and description of regulation	Proposal date in FEDERAL REGISTER	Final date in FEDERAL REGISTER	Contact person and address
THE ATOMIC ENERGY ACT			
Protective Action Guidelines for Nuclear Emergencies. AEA 274(h). This is a guidance for emergency response plans in the event of a nuclear accident, i.e. effluent release from a nuclear reactor.	September 1979	February 1980	Jim Hardin (AW-460) Environmental Protection Agency, Washington, D.C. 20460, 703-557-8610.
Guidance for Occupational Radiation Exposure. AEA 274(h). This guidance will update existing (1960) radiation occupational exposure limits for workers at Federal facilities and those facilities inspected by Federal agencies.	January 1979	June 1979	Luis Garcia (AW-460). Environmental Protection Agency, Washington, D.C. 20460, 703-557-8224.
Transuranic Elements. AEA 274(h). This guidance to Federal agencies establishes dose rate limits for persons exposed to transuranium elements in the general environment. The final guidance is to be signed by the President.	Nov. 3, 1977	January 1979	Gordon Burley (AW-460). Environmental Protection Agency, Washington, D.C. 20460, 703-557-8610.
**Environmental Standards for High-Level Radioactive Wastes.* AEA 274(h). The regulation will set standards for release of radioactivity to the environment as a result of storage of waste isotopes.	January 1979	July 1979	Jim Martin (AW-460). Environmental Protection Agency, Washington, D.C. 20460, 703-557-8927.
Environmental Criteria for Radioactive Wastes. AEA 274(h). The criteria are general guidance as to what constitutes radioactive waste and factors to be considered in evaluating disposal modes and sites.	November 1978	April 1979	Harry Pettengill (AW-460). Environmental Protection Agency, Washington, D.C. 20460, 703-557-8927.
Florida Phosphate Tailings. PHSA 301. A 1975 commitment to the Governor of Florida by the Administrator requries EPA to establish guidelines as to what to do (1) about existing houses on uranius "contaminated" land; (2) about new construction on such land.	January 1979	July 1979	Joe Fitzgerald (AW0460). Environmental Protection Agency, Washington, D.C. 20460, 703-557-8224.
THE RESOURCE CONSERVATION AND RECOVERY ACT			
40 CFR 241 *Guidelines for Solid Waste Management Landspreading Practices.* RCRA 1008(a). These are nonregulatory technical guidelines on landscaping practices for the beneficial use of solid waste as soil conditioner and plant nutrient.			Bruce Weddle (WH-564). Environmental Protection Agency, Washington, D.C. 20460, 202-755-9120.
40 CFR 250 *Hazardous Waste Criteria—Identification and Listing.* RCRA 3001. These regulations define those wastes that will be controlled under the nationwide hazardous waste management program. Criteria are provided for identifying characteristics of hazardous waste and for listing hazardous waste. The selected characteristics are: ignitability, corrosiveness, reactivity, and toxicity. Testing procedures are included for determination of whether a waste meets the described characteristics. The regulation also lists certain hazardous wastes or processes which are presumed to generate hazardous wastes. Also, means are provided for demonstration of noninclusion in the subtitle C system.	January 1979	January 1980	Alan Corson (WH-565). Environmental Protection Agency, Washington, D.C. 20460, 202-755-9187.
40 CFR 250 **Standards for Generators of Hazardous Wastes.* RCRA 3002. This regulation establishes national standards for generators of hazardous wastes, covering such items as record-keeping, containerization and labeling, waste identification, and reporting. This regulation also contains provisions for a hazardous waste manifest system.	do	do	Harry Trask (WH-565). Environmental Protection Agency, Washington, D.C. 20460, 202-755-9187.
40 CFR 250 *Standards for Transporters of Hazardous Wastes.* RCRA 3003. These national standards make transporters of hazardous wastes responsible for shipping only properly labeled containers and only to permitted facilities.	Apr. 28, 1978	do	Do.
40 CFR 250 **Standards for Hazardous Waste Treatment, Storage and Disposal Facilities.* RCRA 3004. The standards establish technical performance standards for hazardous waste management facilitities, relative to operating practices, location, and design. The contain provisions for protection of surface water, ground water, and air quality.	January 1979	do	John Schaum (WH-565). Environmental Protection Agency, Washington, D.C. 20460, 202-755-9200.
40 CFR 250 *Permit Regulations for Hazardous Waste Treatment, Storage, and Disposal Facilities.* RCRA 3005. This regulation establishes a permit program to assure uniform control by States (or EPA) over hazardous waste management facilities.	do	do	Sam Morekas (WH-564). Environmental Protection Agency, Washington, D.C. 20460, 202-755-9120.

MAJOR EPA REGULATIONS UNDER CONSIDERATION—Continued

Name and description of regulation	Proposal date in FEDERAL REGISTER	Final date in FEDERAL REGISTER	Contact person and address
THE RESOURCE CONSERVATION AND RECOVERY ACT			
40 CFR 250 *Guidelines for State Hazardous Waste Programs.* RCRA 3006. These guidelines are to assist States in the development of their own hazardous waste regulatory programs. The guidelines also specify minimum requirements States must meet in order to be authorized by EPA to implement their hazardous waste programs.	Feb. 1, 1978	January 1979	Dan Derkics (WH-565). Environmental Protection Agency, Washington, D.C. 20460, 202-755-9190.
40 CFR 250 *Notification System for Hazardous Waste Generators, Transporters, Storers, Treaters, and Disposers.* RCRA 3010. The regulation describes the one-time notification requirement for generators, transporters, treaters, storers, and disposers of hazardous waste, which will bring them to the attention of the persons administering RCRA's hazardous waste program.	July 11, 1978	August 1979	Timothy Fields (WH-565). Environmental Protection Agency, Washington, D.C. 20460, 202-755-9206.
40 CFR 256 *Guidelines for State Solid Waste Programs.* RCRA 4002(b). These guidelines are to assist States in the development and implementation of solid waste management programs.	Aug. 28, 1978	June 1979	George Garland (WH-565). Environmental Protection Agency, 202-755-9125.
40 CFR 257 *Criteria for Classification of Solid Waste and Disposal Facilities.* RCRA 4004(a). These criteria provide a basis against which solid waste land disposal facilities can be evaluated in order to determine probability of adverse effects on health or the environment.	Feb. 6, 1978	July 1979	Kenneth Shuster (WH-564). Environmental Protection Agency, Washington, D.C. 20460, 202-755-9116.
Guidelines for Federal Procurement Practices. RCRA 6002(e). These guidelines will assist Federal agencies to comply with the RCRA's requirement that procured materials be composed of the highest percentage of recovered materials practicable:			Stephen Lingle (WH-563). Environmental Protection Agency, Washington, D.C. 20460, 202-755-9140.
Utilization of Fly Ash and Slag	April 1979	July 1979	
Use of Recycled Paper in Paper Products	June 1979	September 1979	
Use of Waste in Construction Products	July 1979	October 1979	
THE TOXIC SUBSTANCE CONTROL ACT			
40 CFR 740 to— **Testing of Chemical Substances and Mixtures.* TSCA 4. These regulations require testing of chemical substances that may present an unreasonable risk to human health or the environment, or are produced in substantial quantities but are not supported by adequate test data. EPA is preparing two testing regulations: on cogenicity testing and environmental fate testing.	December 1978	Mar. 1979, 749	Norbert Page (TS-792). Environmental Protection Agency, Washington, D.C. 20460, 202-755-6841.
40 CFR 720 *Premanufacture Notification.* TSCA 5. This regulation will establish the procedure whereby a company will notify EPA of its intent to manufacture a new chemical. The regulation will prescribe the required premanufacture notification form, describe the procedure for EPA review, and contain testing guidelines.	December 1978	April 1979	Blake Biles (TS-794). Environmental Protection Agency, Washington, D.C. 20460, 202-755-5482.
40 CFR 761 *PCB's Manufacture and Distribution.* TSCA 6. This regulation bans the manufacturing and distribution of PCBs and products containing PCBs.	June 7, 1978	January 1979	Peter Principe (TS-794). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0920.
Control of Polybrominated Biphenyls. TSCA 6. The regulation would control the use of polybrominated biphenyls.	January 1979	July 1979	Lucy Sibold (TS-794). Environmental Protection Agency, Washington, D.C. 20460, 202-755-8963.
Chlorofluorocarbon Emissions. TSCA 6. This regulation would apply to nonaerosol uses of chlorofluorocarbons.	To be determined		Ferial Bishop (TS-794). Environmental Protection Agency, Washington, D.C. 20460, 202-755-8963.
40 CFR 730 *Reporting on Substances Recommended for Testing.* TSCA 8(d). The regulation requires reporting of existing health and safety studies for chemical categories as recommended for testing.	May 1979	December 1979	Ed Brooks (TS-793). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0932.
40 CFR 720 *Records of Adverse Reaction.* TSCA 8(c). The regulation requires industry to keep records of allegations of significant adverse health and environmental reactions to its chemical products.	March 1979	October 1979	Do.
40 CFR *Procedures for Export Notification.* TSCA 12(b). These rules tell exporters how and when to submit export notifications.	December 1978	May 1979	Do.
40 CFR 22 *Consolidated Rules of Practice Governing the Assessment of Civil Penalties.* TSCA 16. These rules would be promulgated under the authority of FIFRA 14, RCRA 3008, Marine Protection Research and Sanctuaries Act (MPRSA) 105, CAA 211, and TSCA 16.	Aug. 4, 1978, interim final	October 1979	Terrell Hunt (EN-342). Environmental Protection Agency, Washington, D.C. 20460, 202-755-0970.

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federal register

THURDAY, NOVEMBER 30, 1978
PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

PROTECTION OF HUMAN SUBJECTS

Institutional Review Board; Report and Recommendations of National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research

[4110-08-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

PROTECTION OF HUMAN SUBJECTS

Institutional Review Boards: Report and Recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research

AGENCY: Department of Health, Education, and Welfare.

SUMMARY: Basic regulations governing the protection of human subjects involved in research, development, and related activities supported or conducted by the Department through grants and contracts were published in the FEDERAL REGISTER on May 30, 1974 (39 FR 18914). At that time it was indicated that notices of proposed rulemaking would be developed to provide additional protection for subjects of research.

On July 12, 1974, the National Research Act (Pub. L. 93-348) was signed into law, thereby creating the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. One of the charges to the Commission was to study the Institutional Review Board mechanism. The Commission was further required to make such recommendations to the Secretary as it determined appropriate to assure that biomedical and behavioral research conducted or supported under programs administered by him met the requirements respecting informed consent identified by the Commission. Pursuant to Section 202(a)(2) of that Act, the Commission has transmitted its Report and Recommendations regarding IRBs to the Secretary. Pursuant to Section 205 of the Act, the Secretary is required to publish the Report and Recommendations as received from the Commission and is taking that action in this issue of the FEDERAL REGISTER. The Department has not yet completed its final review of this report. The Department will be evaluating the Report during the comment period.

Written comments, data, views, arguments and inquiries concerning the Recommendations of the Commisson may be sent to the Office for Protection from Research Risks, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. To facilitate analysis of the comments, it would be appreciated if they were arranged by Recommendation number. Additional copies of this notice may be obtained by writing to the same address. All comments received will be available for inspection at Room 303, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland, weekdays (Federal holidays excepted) between the hours of 9 a.m. and 4:30 p.m. To assure full consideration, all comments should be submitted on or before January 29, 1979. After receipt and review of such comments, it is the intent of the Department to issue final rules, taking into consideration this Report and Recommendations and relevant comments submitted.

Dated: November 7, 1978.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: November 20, 1978.

HALE CHAMPION,
Acting Secretary.

THE NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

INSTITUTIONAL REVIEW BOARDS: REPORT AND RECOMMENDATIONS

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NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

SEPTEMBER 1, 1978.

REPORT AND RECOMMENDATIONS: INSTITUTIONAL REVIEW BOARDS

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4. Federal Policies for the Protection of Human Subjects.

INTRODUCTION

The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research was established under Pub. L. 93-348 to develop ethical guidelines for the conduct of research involving human subjects. To date, the Commission has issued reports with recommendations for the protection of several categories of research subjects, including the human fetus, prisoners, children, and those institutionalized as mentally infirm. These recommendations have been directed to the Secretary of Health, Education and Welfare with respect to research conducted, supported or regulated by DHEW, and to Congress with respect to research not subject to regulation by DHEW.

In the present report, the Commission considers the performance of Institutional Review Boards (IRBs), which are required to review all research involving human subjects that is conducted at institutions receiving funds for such research from DHEW under the Public Health Service Act. IRBs or similar bodies are required also to review research regulated by DHEW under the Federal Food, Drug, and Cosmetic Act, and most research involving human subjects that is conducted or supported by other departments and agencies. This review of proposed research by IRBs is the primary mechanism for assuring that the rights of human subjects are protected. Thus, the Commission's previous recommendations regarding particular categories of research subjects are intended ultimately to be carried out by IRBs, by establishing conditions and requirements that IRBs should determine to have been satisfied before approving research. The Commission now turns its attention to the IRB mechanism itself, to evaluate its performance and recommend steps to improve the review process.

The legislative mandate to study IRBs is set forth in the charge to the Commission to consider "[m]ech-

anisms for evaluating and monitoring the performance of Institutional Review Boards * * * and appropriate enforcement mechanisms for carrying out their decisions" (section 202(a)(1)(B)(v) of Pub. L. 93-348). In addition, the Commission is directed "to determine the need for a mechanism to assure that human subjects in * * * research not subject to regulation by [DHEW] are protected" (section 202(a)(3)). (Following its study of IRBs, the Commission has recommended that IRBs be employed as the mechanism to assure protection of human subjects in non-DHEW research.)

Although IRBs were not required by law until the passage of Pub. L. 93-348 in 1974, they had already been in existence for many years at most of the 500 institutions where they now operate. However, there was little current, systematic information about IRBs when the Commission began its consideration of their performance. The Commission therefore undertook a substantial effort to develop information about the performance of IRBs, the research they review, and the strengths and weaknesses of this mechanism.

The Commission supported an extensive survey of IRB members, investigators and research subjects at a sample of 61 institutions, including medical schools, hospitals, universities, prisons, institutions for the mentally ill and retarded, and research organizations. The background, development and administration of the present DHEW regulations governing IRBs were examined. Three public hearings were held at which federal officials, representatives of IRBs, investigators and other concerned persons presented their views on IRBs. The National Minority Conference on Human Experimentation, convoked by the Commission to assure that viewpoints of minorities would be heard, made recommendations to the Commission that pertained to IRBs. The Commission also reviewed several papers prepared under contract on such topics as informed consent, evaluation of risks and benefits, issues that arise in particular kinds of research (such as social experimentation or deception research), and the legal aspects of IRB operation. A substantial amount of correspondence on IRBs was received and reviewed by the Commission. In addition, a survey was made of the standards and procedures for the protection of human subjects in research conducted or supported by federal departments and agencies. Finally, the Commission conducted public deliberations to develop its recommendations on IRBs.

Following the recommendations on IRBs set forth at the outset of this report are chapters on the existing regulatory system at DHEW, the Commission-sponsored survey of IRBs and the research reviewed by them, legal aspects of IRB operation, and the Commission-conducted survey of standards and procedures for the protection of human subjects in research conducted or supported by federal departments and agencies. An appendix to this report contains the final report of the survey of IRBs, which was conducted by the Survey Research Center at the University of Michigan; summaries of all testimony presented to the Commission at its three hearings on IRBs; descriptions of the protective standards and procedures at federal departments and agencies; and a contracted paper on the operation of IRBs. Other relevant papers, on such topics as informed consent and risk-benefit assessment, will be included in the appendix to the Commission's forthcoming report on the basic ethical principles that should underlie the conduct of research involving human subjects.

* * * * *

Definitions. For purposes of this report:

1. *Scientific research* is a formal investigation designed to develop or contribute to generalizable knowledge.

Comment: A research project generally is described in a protocol that sets forth explicit objectives and formal procedures designed to reach those objectives. The protocol may include therapeutic and other activities intended to benefit the subjects, as well as procedures to evaluate such activities. Research objectives range from understanding normal and abnormal physiological or psychological functions or social phenomena, to evaluating diagnostic, therapeutic or preventive interventions and variations in services or practices. The activities or procedures involved in research may be invasive or noninvasive and include surgical interventions; removal of body tissues or fluids; administration of chemical substances or forms of energy; modification of diet, daily routine or service delivery; alteration of environment; observation; administration of questionnaires or tests; randomization; review of records, etc.

2. *Human subject* is a person about whom an investigator (professional or student) conducting scientific research obtains (1) data through intervention or interaction with the person, or (2) identifiable private information.

Comment: "Intervention" includes both physical procedures by which data are gathered (e.g., venipuncture), and manipulations of the subject or the subject's environment that are performed for research purposes. "Interaction" includes communication or interpersonal contact between investigator and subject. "Private information" includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (e.g., a medical record). Private information must be individually identifiable (i.e., the identity of the subject is or may readily be ascertained by the investigator or associated with the information) in order for obtaining the information to constitute research involving human subjects.

Recommendations

The ethical conduct of research involving human subjects requires a balancing of society's interests in protecting the rights of the subjects and in developing knowledge that can benefit the subjects or society as a whole. The elements that must be considered in this balancing of interests are identified and analyzed in the Commission's separate report on the basic ethical principles that should underlie the conduct of research involving human subjects. In the recommendations that follow, the Commission expresses its judgment about the ways in which those elements ought to be brought to bear on research practices, so that a reasonable and ethical balance of society's interests may be attained.

The Commission's deliberations begin with the premise that investigators should not have sole responsibility for determining whether research involving human subjects fulfills ethical standards. Others, who are independent of the research, must share this responsibility, because investigators are always in positions of potential conflict by virtue of their concern with the pursuit of knowledge as well as the welfare of the human subjects of their research.

The Commission believes that the rights of subjects should be protected by local review committees operating pursuant to federal regulations and located in institutions where research involving human subjects is conducted. Compared to the possible alternatives of a regional or national review process, local committees have the advantage of greater familiarity with the actual conditions surrounding the conduct of research. Such committees can work closely with investigator to assure that the rights and welfare of human subjects are protected and, at the same time, that the application of policies is fair to the investigators. They can contribute to the education of the research community and the public regarding the ethical conduct of

research. The committees can become resource centers for information concerning ethical standards and federal requirements and can communicate with federal officials and with other local committees about matters of common concern.

The Commission further believes that institutions receiving federal support for the conduct of research involving human subjects should be governed by uniform federal regulations applicable to the review of all such research, whether it is supported by one federal department or another, or is not federally supported. The regulations should also apply to research conducted intramurally by federal departments and to research conducted by private organizations that is otherwise subject to federal regulations (e.g., research conducted to meet the regulatory requirements of the Food and Drug Administration).

The Institutional Review Boards (IRBs) that have existed for some years at institutions that conduct research involving human subjects have been closely examined by the Commission. The Commission finds on the basis of its study that IRBs play an essential role in the protection of human subjects. However, the existing system may be improved. The following recommendations are made to strengthen, simplify and broaden the coverage of this system.

Recommendation (1) (A) Federal law should be enacted or amended to authorize the Secretary of Health, Education, and Welfare to promulgate regulations governing ethical review of all research involving human subjects that is subject to federal regulation.

(B) Federal law should be enacted or amended to provide that each institution which sponsors or conducts research involving human subjects that is supported by any federal department or agency or otherwise subject to federal regulations, and each federal department or agency which itself conducts research involving human subjects, shall give assurances satisfactory to the Secretary of Health, Education, and Welfare that all research involving human subjects sponsored or conducted by such institution, or conducted by such department or agency, will be reviewed by and conducted in accordance with the determinations of a review board established and operated in accordance with the regulations promulgated by the Secretary under the authority recommended in paragraph (A) of this recommendation.

(C) Federal law should be enacted or amended to provide that all research involving human subjects sponsored or conducted by an institution that receives funds from any federal department or agency to provide health care or conduct health-related research shall be subject to federal regulation regarding the review and conduct of such research, as provided under paragraphs (A) and (B) of this recommendation.

(D) Federal law should be enacted or amended to authorize and approriate funds to support the operation of institutional Review Boards by direct cost funding.

Comment: (A) Recommendation (1)(A) would establish DHEW as the single cognizant agency for the promulgation of regulations relating to the protection of human research subjects. Such regulations, dealing with the composition, functions and procedures of IRBs, would apply to all entities that receive financial support from the federal government to conduct research involving human subjects. Entities conducting such research to fulfill federal regulatory requirements (*e.g.*, of the Food and Drug Administration or the Environmental Protection Agency) would be covered by the same regulations. Thus, all entities under federal jurisdiction would be subject to a single set of regulations relating to review of research invloving human subjects, without regard to the particular federal department(s) that support or regulate their research. An alternative to the enactment of federal law might be the issuance by the President of an executive order establishing DHEW as the single cognizant agency for the promulgation of regulations to protect human subjects.

Implementation of Recommendation (1)(A), by law or executive order, is necessary to assure government-wide uniformity in the review requirements that are imposed on entities subject to federal regulation. A survey by the Commission has shown that virtually all federal agencies with policies for the protection of human subjects currently adopt DHEW standards and procedures to a substantial degree. However, there are many variations arising out of differences in wording, imposition of additional requirements, introduction of minor changes, etc. Establishing DHEW as the sole authority for the issuance of reglations in this area would not substantially change current practice but would reduce the burden on IRBs to interpret and apply the regulations to which they are subject. Moreover, uniformity would assure a minimum level of protection to human subjects of research, no matter which federal agency is supporting the research or which entity is conducting it.

Recommendation (1)(A) accords with Recommendation No. 9 (Education) of the Commission on Federal Paperwork, which reads as follows:

> Cognizance for regulations in the specific area of the protection of human subjects should be assigned to the Department of Health, Education, and Welfare, acting with the advice and consent of an appropriate interagency committee.
>
> No agency other than HEW should be permitted to paraphrase, interpret or particularize these regulations * * * [I]n the regulations for a controversial subject of this nature there should be a mechanism for the Federal Government to speak with one voice.

As the Paperwork Commission noted, DHEW has been preeminent and has served as the lead agency in the field of protecting human subjects. Establishing sole, government-wide responsibility in DHEW for the promulgation of regulations in this area will prevent unnecessary duplication of effort within the government and by the regulated entities as well.

(B) Recommendation (1)(B) would establish DHEW as the single cognizant agency for the accreditation of all IRBs, including IRBs established by nonfederal entities and IRBs that are established within federal departments and agencies. DHEW would also carryout compliance and educational activities to assure that the quality of performance of all IRBs is high. Although some nonfederal entities may receive support for research involving human subjects from federal departments other than DHEW, the Commission recommends centralization of accreditation and compliance responsibility in DHEW as a means of promoting uniform treatment and administrative efficiency. Similarly, the Commission recommends that DHEW accredit and review the compliance of IRBs established by other federal intities, to assure uniform review, throughout government, of proposed research involving human subjects. As an alternative to enactment of law, recommendation (1)(B) might be accomplished by the issuance of an executive order.

Establishment of DHEW as the sole authority for accreditation and compliance activities would recognize that department's initiation of the requirements of IRBs and its extensive experience in supervising their operation. As with the promulgation of regulations (Recommendation (1)(A)), centralizing authority to conduct these activities would also assist in standardizing the review of research with human subjects and reducing the burden on nonfederal IRBs that is imposed by federal enforcement activities.

If such centralization is not accomplished by law or executive order, the Commission suggests that other federal departments and agencies recognize DHEW accreditation and compliance activities, and that DHEW accept such responsibility whether or not it supports research at the same entities. It should be noted that accreditation and compliance are structural matters, re-

lating to the composition, functions and procedures of IRBs (see the following recommendations); DHEW does not regulate substantive decision-making, which is the responsibility of the IRBs alone. Thus, centralization in DHEW should not be considered an intrusion of that department into the proper jurisdiction of other federal agencies.

Should it prove unfeasible to centralize in DHEW accreditation and compliance activities for IRBs established within other federal departments and agencies, the Commission favors centralization of such activities in DHEW at least with respect to all IRBs that are established by nonfederal entities, notwithstanding their federal sources of support for research involving human subjects. This would accomplish the goal of reducing the burden on such IRBs that is imposed by multiple-agency enforcement activities, and would at least partially accomplish the goal of assuring uniform review of human subjects research in which the government is involved.

Recommendation (1)(B) does not require that each entity establish a single IRB. An entity may establish more than one IRB to meet special needs; however, each IRB must satisfy the regulatory requirements.

Research need not be reviewed, in some instances, by an IRB located in the entity where the research is to be conducted. While it is generally desirable for an entity at which research involving human subjects is conducted to establish an IRB, it may be appropriate for several small institutions in close proximity to establish a single IRB to serve those institutions. Similarly, it may be appropriate for an institution at which only a small amount of research involving human subjects is conducted to arrange for review of all such research by an IRB at a neighboring institution. Where an investigator is associated with more than one entity or the research will be conducted at more than one entity, review by one IRB (generally at the entity most substantially involved with the research) should satisfy statutory and regulatory requirements. Other entities that are involved with the research may also require review by their IRBs, however. In such instances, IRBs should give priority to consideration of protocols that are receiving multiple review, in order to reduce the extended time period that such review may otherwise entail.

Recommendation (1)(B) also does not require that IRB review precede application for a grant or contract, although such review should always precede the initiation of research involving human subjects. Since many proposals submitted to the government are never funded or conducted, a requirement that IRB review and approval precede any consideration for funding by the government may place an unnecessary burden on IRBs and subject them to undesirable time pressures. On the other hand, IRB review prior to application for funding may resolve or eliminate problems that could jeopardize funding, and being asked to review projects that have already been approved for funding also may place IRBs under inappropriate pressures. On balance, review prior to or within a specified time after submission of applications, as is presently required by DHEW, appears most appropiate.

(C) Recommendation (1)(C) would extend the requirement of IRB review to entities conducting human subjects research that is not federally supported or otherwise subject to federal regulation at present, if the entities receive federal support to provide health care or conduct health-related research.

(D) Recommendation (1)(D) would require that at least a portion of the funds necessary to support the operation of IRBs be directly provided rather than reimbursed through the indirect cost mechanism. Direct cost funding would help to assure that IRBs are adequately supported to carry out their responsibilities and, in addition, would highlight the significant role played by IRBs. It would be appropriate for such funding to provide at least a portion of the salary of the IRB chairman or of the cost of administrative support for the IRB. Recognition of IRBs by providing earmarked funds for their operation would complement the compliance and education activities of DHEW in promoting quality performance by IRBs. Direct cost funding should not, however, be accomplished by reducing the amount of funds appropriated for the conduct of research.

The Commission does not take a position on the question of whether federal support should be provided for all review activities of IRBs or only the review of research for which support is being sought from the government. Since an institution is required by federal law to assure the review of all research involving human subjects if the institution applies for federal support to conduct any such research, it may be argued that all review activities should be the financial responsibility of the government. It may also be argued, however, that the review of nonfederally funded research is the proper obligation of the institution to the prospective subjects, and hence the financial responsibility of the institution.

Recommendation (2) (A) Federal law should be enacted or amended to authorize the Secretary of Health, Education, and Welfare to establish a single office to carry out the following duties:

(i) Accreditation of Institutional Review Boards based upon the submission of assurances containing descriptions of their membership, authority, staff, meeting facilities, review and monitoring procedures and provisions for recordkeeping;

(ii) Compliance activities, including site visits and audits of Institutional Review Board records, to examine the performance of the Boards and their fulfillment of institutional assurances and regulatory requirements; and

(iii) Educational activities to assist members of Institutional Review Boards in recognizing and considering the ethical issues that are presented by research involving human subjects.

(B) Federal law should be enacted or amended to authorize an appropriate funds to support the duties described in paragraph (A) of this recommendation.

Comment: Recommendation (2) requires that DHEW consolidate and expand its accreditation and compliance activities to provide within the federal government a single supervising authority for all IRBs that are required under Recommendation (1) to review research involving human subjects. In addition, this DHEW office should conduct educational activities to assist IRB members in discharging their review responsibilities. The Commission suggests that the office be established outside of any subdivision of DHEW and that funds be appropriated to support its operation.

Institutions should be required to submit information such as the following to enable accreditation determinations to be made:

* The names and qualifications of members of the IRB and the process by which members are selected;

* The resources (*e.g.* meeting room, staff, office facilities, release of IRB members from other responsibilities) that will be devoted to the review function;

* The general operating procedures of the IRB, and the number and types of proposals that are expected to be reviewed by it;

* Expedited review procedures, if any, and the categories of research for which such procedures will be used; and

* Procedures to assure that all research involving human subjects conducted by or at the institution will be reviewed by an IRB and, if approved, will be conducted in accordance with any restrictions or conditions imposed by the IRB.

Site visits, audits of IRB records, and other compliance activities should be conducted routinely to assure continuing quality control of the perform-

ance of IRBs. The compliance effort should be aimed at educating, improving performance of IRBs, and providing needed advice. Where necessary, however, failure by investigators, institutions or IRBs to meet their responsibilities should be subject to sanctions ranging from warnings to loss of IRB accreditation and consequent ineligibility to receive federal funds for research involving human subjects or refusal by a regulatory agency to accept data.

DHEW should develop materials to assist in the orientation of new members of IRBs and mechanisms for dissemination of information about ethical issues and key IRB decisions to promote uniform treatment of similar protocols. Caution should be exercised, however, to avoid usurping the IRBs' decision-making authority. The accreditation and compliance, as well as the educational, functions of DHEW should be aimed at assuring and promoting the effective operation of IRBs, but not as a forum or mechanism for questioning the substantive decisions of IRBs. DHEW should assure that IRBs have appropriate authorities, membership, and rules and standards of operation, and that useful materials are provided for the information of IRB members; these functions should not include any activities intended directly to influence or alter IRB decisions.

The generation of information about the various topics in its mandate has been essential to the operation of the Commission. Similarly, a program of research in the ethical issues that arise in research involving human subjects would greatly assist the compliance and educational activities of DHEW in this area.

Recommendation (3) The Secretary of Health, Education, and Welfare should require by regulation that an Institutional Review Board:

(A) Consist of at least five men and women of diverse backgrounds and sufficient maturity, experience and competence to assure that the Board will be able to discharge its responsibilities and that its determinations will be accorded respect by investigators and the community served by the institution or in which it is located;

(B) Include at least one member who is not otherwise affiliated with the institution;

(C) Have the authority to review and approve, require modifications in, or disapprove all research involving human subjects conducted at the institution;

(D) Have the authority to conduct continuing review of research involving human subjects and to suspend approval of research that is not being conducted in accordance with the determinations of the Board or in which there is unexpected serious harm to subjects;

(E) Maintain appropriate records, including copies of proposals reviewed, approved consent forms, minutes of Board meetings, progress reports submitted by investigators, reports of injuries to subjects, and records of continuing review activities;

(F) Be provided with meeting space and sufficient staff to support its review and recordkeeping duties;

(G) Be authorized and directed to report to institutional authorities and the Secretary any serious or continuing noncompliance by investigators with the requirements and determinations of the Board;

(H) Be provided with protection for members in connection with any liability arising out of their performance of duties on the Board.

Comment: (A) IRB members should be appointed by a governing body or chief executive officer of the institution, who should consult widely to find persons who will serve on the IRB with distinction and commitment. The IRB should include persons who are familiar with the ethical issues in research involving human subjects. The IRB should also include persons with the scientific competence necessary to analyze accurately and thoroughly the risks and benefits of the types of proposals generally reviewed by the IRB, since this analysis is essential to the review process. To assure the IRB's access to such expertise, yet guard against self-interest influencing or appearing to influence IRB determinations, at least one-third but no more than two-thirds of the IRB members should be scientists, including members of the disciplines in which research is customarily reviewed by the IRB. The expertise of IRB members should be supplemented, when necessary, by the use of consultants.

In its deliberations, it is desirable that the IRB show awareness and appreciation of the various qualities, values and needs of the diverse elements of the community served by the institution or in which it is located. A diverse membership will enhance the IRB's credibility as well as the likelihood that its determinations will be sensitive to the concerns of those who conduct or participate in the research and other interested parties.

If an IRB regularly reviews research that has an impact on a broad category of vulnerable subjects (*e.g.*, residents of an institution for the retarded), the IRB should include persons who are primarily concerned with the welfare of those sugjects (*e.g.*, parents of retarded children). The IRB should establish formal or informal consultation with community and other bodies that have interests in areas affected by or involved in the conduct of proposed research.

The institution should provide suitable orientation to new IRB members, in order to familiarize them with the purpose and authority of the IRB, the standards it applies, the ethical and legal principles that apply to research involving human subjects, and the main ethical dilemmas that arise in research. IRB members should be appointed for a fixed term of at least a year and should not be removed during this term except for good cause. An IRB's membership should be relatively stable from year to year in order to enhance the experience of the IRB and to introduce stability into standards applied by the IRB. Some degree of turnover of members and chairman is desirable, however, as a way both of exposing more members of the institution to the issues considered by the IRB and of introducing into the IRB a variety of viewpoints.

The institution should encourage service on the IRB and indicate the importance of such service by giving IRB members appropriate relief from other duties, by giving recognition for service on the IRB (*e.g.*, in decisions regarding promotions) and by providing remuneration to nonemployees.

(B) A member of the immediate family of a person who is affiliated with the institution should not be appointed to serve as the unaffiliated member of an IRB.

(C) Institutional support is necessary for the successful operation of an IRB and can be expressed most directly in rules, procedures, etc. that are formally adopted by the institution to assure that the IRB is lawfully established and that all research involving human subjects will be reviewed and conducted in accordance with its determinations.

(D) The IRB should adopt procedures for the continuing review of approved research, such as examination of records, requiring reports from investigators, soliciting information from subjects, and observing the recruitment of subjects and conduct of the research. As a basic requirement, all investigators should be directed to report immediately to the IRB any substantial changes in the research activity, unanticipated problems, or adverse reactions by subjects. In research that presents more than minimal risk to subjects (*i.e.*, more than the risk of harm or discomfort that is normally encountered in the daily lives, or in the routine medical or psychological examination, of normal persons) or involves vulnerable subjects (*e.g.*, children, institutionalized or hospitalized persons), investigators should be required, in addition, to make periodic reports to the IRB on the progress of the research. The frequency of

such periodic reports should depend upon the degree of risk presented to subjects, but at a minimum should be on an annual basis.

The justification for undertaking some studies rests, in part, on uncertainty about the relative safety and efficacy of alternative therapies. New knowlege, however, is continually being developed, and uncertainties that play a role in prompting a study may be reduced over time as new information is developed in the study or elsewhere. Subjects should not be excluded from known benefits simply because those benefits were unknown or uncertain at the time the research began. An important aspect of the continuing review of research, particularly in studies that involve the evaluation of a therapeutic procedure for a chronic condition, is to assure that subjects are not excluded from the benefits of newly developed knowledge by continuing in a protocol after the superiority of a particular therapy for their condition has been demonstrated.

At the discretion of the IRB, the consent process or the research itself may be observed on a sample or routine basis, subjects may be interviewed about their experience in research, and research records (including consent forms) may be reviewed. Also at the discretion of the IRB, investigators may be required to provide subjects with a form on which they can report to the IRB their experiences in research. The form could be given to subjects at the time consent is obtained and be completed by subjects who wish to do so during or after their participation.

Observation of the consent process or conduct of research is both a difficult and delicate task. The designation of staff or members of the IRB to observe research activities can impose a substantial strain on the limited resources of the IRB. Further, such observation may intrude on confidential relationships or the privacy of individual subjects. IRBs should take these factors into account when determining appropriate means for continuing review of a protocol, and alternatives such as investigator reporting requirements should be considered. However, certain research will warrant observation to assure the protection of subjects, and in such cases IRBs have an obligation to take suitable measures.

In cases in which the investigator is responsible for the care of the subjects, the IRB may require that a neutral person, not otherwise associated with research or the investigator, be present when consent is sought, to explain the research to prospective subjects, or to observe the conduct of the research. The involvement of a physician or therapist as an investigator may have significant advantages for patients and make available to them new forms of therapy. However, research interests may compromise the therapist's sound judgments regarding therapeutic goals. The involvement of a neutral third party may reduce the possibility of such a conflict of interest occurring, particularly in research that presents more than minimal risk. Such a person may be designated to play a role in informing subjects of their rights and the details of protocols, assuring that there is continuing assent to participation, determining the advisability of continued participation, receiving complaints from subjects, and bringing grievances to the attention of the IRB as part of its continuing review of research.

(E) Records regarding research protocols reviewed by IRBs should be retained for five years after completion of the research. Minutes should be in sufficient detail to show the basis of actions taken by the IRB.

(F) An IRB should have an identifiable meeting space and designated staff to support its function. Although the staff may be part-time, their effort should be identified and placed on a continuing basis.

(G) Any knowledge of serious or continuing noncompliance by investigators with the requirements and determinations of the IRB should be transmitted by the IRB to institutional authorities and to the Secretary of Health, Education, and Welfare. Institutions should take such steps as are necessary and appropriate to assure compliance by all investigators with IRB requirements and determinations.

(H) Protection against liability arising out of their performance of duties on the IRB may be provided to members in any of several ways, including sovereign immunity, insurance, indemnification by the institution, or specific provisions of state law. The institution should assure that such protection is provided either by law or by means of institutional arrangements.

Recommendation (4) The Secretary of Health, Education, and Welfare should require by regulation that all research involving human subjects that is subject to federal regulation shall be reviewed by an Institutional Review Board and that the approval of such research shall be based upon affirmative determinations by the Board that:

(A) The research methods are appropriate to the objectives of the research and the field of study;

(B) Selection of subjects is equitable;

(C) Risks to subjects are minimized by using the safest procedures consistent with sound research design and, whenever appropriate, by using procedures being performed for diagnostic or treatment purposes;

(D) Risks to subjects are reasonable in relation to anticipated benefits to subjects and importance of the knowledge to be gained;

(E) Informed consent will be sought under circumstances that provide sufficient opportunity for subjects to consider whether or not to participate and that minimize the possibility of coercion or undue influence;

(F) Informed consent will be based upon communicating to subjects, in language they can understand, information that the subjects may reasonably be expected to desire in considering whether or not to participate, generally including:

(I) That an Institutional Review Board has approved the solicitation of subjects to participate in the research, that such participation is voluntary, that refusal to participate will involve no penalties or loss of benefits to which subjects are otherwise entitled, that participation can be terminated at any time, and that the conditions of such termination are stated;

(II) The aims and specific purposes of the research, whether it includes procedures designed to provide direct benefit to subjects, and available alternative ways to pursue any such benefit;

(III) What will happen to subjects in the research, and what they will be exected to do;

(IV) Any reasonably foreseeable risks to subjects, and whether treatment or compensation is available if harm occurs;

(V) Who is conducting the study, who is funding it, and who should be contacted if harm occurs or there are complaints; and

(VI) Any additional costs to subjects or third parties that may result from participation;

(G) Informed consent will be appropriately documented, unless the Board determines that written consent is not necessary or appropriate because (I) the existence of signed consent forms would place subjects at risk, or (II) the research presents no more than minimal risk and involves no procedures for which written consent is normally required;

(H) Notwithstanding the requirements of paragraphs (E), (F) and (G) above, informed consent is unnecessary (I) where the subjects' interests are determined to be adequately protected in studies of documents, records or pathological specimens and the importance of the research justifies such invasion of the subjects' privacy, or (II) in studies of public behavior where the research presents no more than minimal risk, is unlikely to cause embarrassment, and has scientific merit;

(I) There are adequate provisions to protect the privacy of subjects and to

maintain the confidentiality of data; and

(J) Applicable regulatory provisions for the protection of fetuses, pregnant women, prisoners, children and those institutionalized as mentally infirm will be fulfilled.

Comment: (A) Subjects should not be exposed to risk in research that is so inadequately designed that its stated purpose cannot be achieved. It must be recognized, however, that equally rigorous standards of scientific methodology are not suitable in all disciplines or necessarily appropriate for all research purposes. Not all research is intended to provide a definitive test of a hypothesis, and much research, such as research done by students, has modest aims. The Commission's statements in previous reports that all research should be scientifically sound should be interpreted as requiring that the proposed methods be suited to the discipline and the objectives of the research.

(B) The proposed involvement of hospitalized patients, other institutionalized persons, or disporportionate numbers of racial or ethnic minorities or persons of low socioeconomic status should be justified.

(C) Materials or information that are obtained for diagnostic or therapeutic purposes should be used whenever possible: *Provided*, Such use will not unjustifiably increase the burdens of the ill. Where appropriate, screening should be employed to eliminate from participation in research persons who would be at particularly high risk. The number of subjects exposed to risk in research should be no larger than required by considerations of scientific soundness.

(D) The possible harms and benefits from proposed research involving human subjects may not be quantifiable but should be evaluated systematically to assure a reasonable relation between the harms that are risked and the benefits that may be anticipated for the subjects or the gains in knowledge that may result from the research. This evaluation should include an arrayal of alternatives to the procedures under review and the possible harms and benefits associated with each alternative.

The evaluation of possible harms in relation to expected benefits or gains in knowledge may provide sufficient grounds on which to disapprove proposed research, when this relation is found to be unreasonable. This would be the case, for example, where research includes an intervention that presents a high degree of risk to subjects and no great likelihood of producing direct benefit to them, or where an alternative to the intervention would present less risk but the same likelihood of benefit. Even when, as in most cases, the relation between possible harms and benefits or gains in knowledge is not found to be unreasonable, the evaluation will serve an important purpose of exposing fully the ethical and other issues that may be involved and thereby aiding in decision making by all parties concerned. The evaluation aids the IRB not only in judging whether it is reasonable to invite the participation of subjects in the research, but also in determining whether the information that will be given to subjects is sufficient for their own determination whether or not to participate.

In evaluating risks and benefits to subjects, an IRB should consider only those risks and benefits that may result from the conduct of the research. For example, the risks and benefits of therapies that subjects would receive even if not participating in the research should not be considered as risks and benefits of the research. (However, the risks and benefits of established therapies provide a point of comparison for the risks and benefits of new therapies that are the object of research.) The possible long-range effects of applying knowledge gained in the research (*e.g.*, the possible effects of the research on public policy affecting a segment of the population) should not be considered as among those research risks falling within the purview of the IRB, although such consequences may be relevant to a policy decision by an institution as to the desirability of approving the research at that institution. The IRB may advise institutional authorities in such cases.

As risk increases and, similarly, as the vulnerability of patients increases (by virtue of illness, institutionalization, etc.), it becomes more important to evaluate risks of harm and possible benefits and to require a reasonable relation between them. In effect, the IRB should assume more of the burden of determining whether subjects ultimately should be allowed to participate. In research that does not present significant risk to subjects, however, an IRB should not prevent an investigator from inviting subjects to participate in research because of its judgment that the research appears to be of marginal scientific importance or does not include an intervention that may benefit the subjects. Also, if the prospective subjects are normal adults, the primary responsibility of the IRB should be to assure that sufficient information will be disclosed in the informed consent process, provided the research does not present an extreme case of unreasonable risk.

(E) Circumstances in which prospective subjects might be coerced or unduly influenced should be avoided in the consent process. The need for concern about coercion or undue influence will depend upon the nature of the particular studies and the amount of risk they present. Protective steps may include the following:

* Providing subjects with an interval of time (consistent with the nature of the protocol) in which to weigh risks and benefits, consider alternatives, and ask questions or consult with others;

* Avoiding, whenever possible, seeking consent in physical settings in which subjects may feel coerced or unduly influenced to participate;

* Avoiding, whenever possible, seeking consent when subjects are in a vulnerable emotional state;

* Limiting remuneration to payment for the time and inconvenience of participation and compensation for any injury resulting from participation; and

* If students in a course will be requested to participate in research, assuring that this is understood at the outset and that reasonable alternatives are offered.

(F) Informed consent requires that all information relevant to a decision regarding participation be properly communicated to subjects. The information must be presented in a manner likely to result in its being understood. Thus, for example, medical or technical terms should be explained in lay language when they must be used. Written statements should be straightforward and easily readable. The specific information to be communicated should include those items that it is reasonable to expect that the subjects would want to know in making a decision regarding particpation in the research. While Recommendation (4)(F) contains a list of topics about which it can generally be presumed that subjects would want to be informed, it should be recognized that no such list is wholly adequate for this purpose. Thus, there may be research in which it is not reasonable to expect that subjects would want to be informed of some item on the list (*e.g.*, 1who is funding the research). More frequently, it can be expected that research will involve an element that is not on the list but about which it can be expected that subjects would want to be informed. Such information should, of course, be communicated to subjects. In addition, the investigator should indicate to subjects that questions are appropriate and be prepared to answer such questions. The investigator should also indicate whether the results of the research will be made available to subjects.

In some research there is concern that disclosure to subjects or providing an accurate description of certain information, such as the purpose of the

research or the procedures to be used, would affect the data and the validity of the research. The IRB can approve withholding or altering such information provided it determines that the incomplete disclosure or deception is not likely to be harmful in and of itself and that sufficient information will be disclosed to give subjects a fair opportunity to decide whether they want to participate in the research. The IRB should also consider whether the research could be done without incomplete disclosure or deception. If the procedures involved in the study present risk of harm or discomfort, this must always be disclosed to subjects. In seeking consent, information should not be withheld for the purpose of eliciting the cooperation of subjects, and investigators should always give truthful answers to questions, even if this means that a prospective subject thereby becomes unsuitable for participation. In general, where participants have been deceived in the course of research, it is desirable that they be debriefed after their participation.

(G) As a rule it is desirable that there be documentation of consent to provide the investigator with evidence thereof and the subjects with a readily available source of information about the research. However, consent forms should not be considered the only method by which information about the research is communicated to subjects. Usually an oral presentation will be an effective method of communicating with subjects. The documentation of consent (*i.e.*, the consent form) should never be confused with the substance of informed consent.

Because a consent form documents an agreement between two parties, both the subject and the investigator should retain a copy. The form should contain the address and phone number of the investigator and indicate how to contact the IRB.

In some studies of illegal or stigmatizing characteristics or behavior, subjects would be placed at risk by the creation of documents linking them with the research. The most secure method of protecting confidentiality of subjects in such studies is to create no written record of their identity, since such records may be vulnerable to subpoena. Confidentiality assurances are available from the Department of Justice and the Department of Health, Education, and Welfare that may effectively protect such documents from subpoena in certain studies of illegal behavior or drug abuse. When such protection is not available in studies in which a breach of confidentiality may be harmful to subjects, and subjects might prefer that ther be no documentation linking them with the research, the IRB may waive the requirement for documentation of consent in the interest of protecting the subjects.

In other studies, the requirement for documentation may place an undue burden on the research while adding little protection to the subjects. Such burdens might include a negative impact on the validity of a survey sample or introduction of an element that is incongruent with the social relationships involved in the research (*e.g.*, in anthropological research). For research that would be burdened by a requirement of written documentation of consent, such documentation may be waived: *Provided*, That the research presents no more than minimal risk of harm to subjects and involves no procedures for which written consent is normally required outside of the research context. (For example, a physical intrusion into the body may generally require written consent, whether or not the intrusion is performed for purposes of research.) In many cases (*e.g.*, a survey using mailed questionnaires) it would be appropriate for the investigator to provide subjects with a written statement regarding the research, but not to request their signature. In other cases (*e.g.*, a telephone survey) an oral explanation might be sufficient, because subjects can readily terminate their involvement in the research.

In all research, but particularly when a short form or no written consent will be used, it is important for the IRB to review the investigator's plans regarding information that is to be provided orally.

(H) In studies of documents, records or pathological specimens, where the subjects are identified, informed consent may be deemed unnecessary but the IRB must assure that subjects' interests are protected. (If the subjects are not identified or identifiable, the research need not be considered to involve human subjects.) The Privacy Protection Study Commission concluded that medical records can legitimately be used for biomedical or epidemiological research, without the individual's explicit authorization.

"*Provided*, That the medical-care provider maintaining the medical record:

"(i) Determines that such use or disclosure does not violate any limitations under which the record or information was collected;

"(ii) Ascertains that use of disclosure in individually identifiable form is necessary to accomplish the research or statistical purpose for which use of disclosure is to be made;

"(iii) Determines that the importance of the research or statistical purpose for which any use of disclosure is to be made is such as to warrant the risk to the individual from additional exposure of the record or information contained therein;

"(iv) Requires that adequate safeguards to protect the record or information from unauthorized disclosure be established and maintained by the user or recipient, including a program for removal or destruction of identifiers; and

"(v) Consents in writing before any further use of redisclosure of the record or information in individually identifiable form is permitted."

The IRB should assure that such conditions exist before approving proposed research in which documents, records or pathology specimens are used for research purposes without explicit consent, and that the importance of the research justifies such use.

When the conduct of research using documents, records or pathology specimens without explicit consent is anticipated, incoming patients or other potential subjects should be informed of the potential use of such materials upon admission into the institution or program in which the materials will be developed, and given an opportunity to provide a general consent or to object to such research. The IRB should scrutinize with care any proposal to isolate and use materials about persons with particular problems or conditions, to assure compliance with the foregoing provisions regarding the use of private information.

Other situations in which informed consent might not be necessary arise in field research in the social sciences. Sometimes in such research, purely observational methods are supplemented by interaction with the persons being studied and therefore come within the Commission's definition of research involving human subjects. An IRB may waive the informed consent requirement in such research when it finds a number of factors to be present. The behavior to be studied must in some sense be public, *e.g.*, responses of businesses or institutions to members of the public, or social behavior in public places. Nondisclosure must be essential to the methodological soundness of the research, and must be justified by the importance or scientific merit of the research. Further, the research must present no more than minimal risk and be unlikely to cause embarrassment to the subjects.

(I) When proposed research involves the collection of data that might be harmful to subjects if disclosed to third parties in an individually identifiable form, the IRB should be particularly attentive to the adequacy of provisions to protect the confidentiality of the data. Depending upon the degree of sensitivity of the data, appropriate methods for protecting the confidentiality of the data may include the coding or removal of identifiers as soon as possible, limitation of access to the data, or the use of locked file cabinets. IRBs should be aware of the general vulnerability of research data to subpoena, particularly in stud-

ies that collect data that would put subjects in legal jeopardy if disclosed. When the identity of subjects who may have committed crimes or abused drugs is to be recorded in a research investigation, the IRB should see that the study, if it is eligible, is conducted under the appropriate assurances of confidentiality available from the Department of Health, Education, and Welfare and the Department of Justice.

(J) The Commission has transmitted recommendations for regulatory guidelines governing the conduct of research involving various subject populations with reduced capacity to give informed consent. IRBs should assure that research involving these populations complies with the guidelines that are adopted by DHEW.

Recommendation (5) The Secretary of Health, Education, and Welfare should require by regulation that an Institutional Review Board shall review proposed research at convened meetings at which a majority of the members of the Board are present and that approval of such research shall be reached by a majority of those members who are present at the meeting; *Provided, however,* That the Secretary may specifically approve expedited review procedures adopted by an Institutional Review Board for carefully defined categories of research that present no more than minimal risk. The Secretary should require, futher, that an Institutional Review Board inform investigators of the basis of decisions to disapprove or require the modification of proposed research and give investigators an opportunity to respond in person or in writing.

Comment: To require that IRB determinations be made by unanimous vote might result in a serious retardation of the review process, would place excessive power in the hands of single members, and would create an incentive for mitigating the diversity of viewpoints represented on the IRB.

Since discussion among IRB members is an important element in the successful functioning of an IRB, *all* members of the IRB should receive a copy of each research protocol and IRB determinations should be made in convened meetings of a respresentative quorum of the members. However, IRBs that review large amounts of research may find that certain categories of research recur with some regularity, present no more than minimal risk to subjects, and present no serious ethical issue requiring IRB deliberation. The IRB should be permitted to define categories of such research that would receive expedited, rather than full review, thereby enabling it to concentrate its attention on research that presents more serious issues. These categories should be subject to DHEW approval before the expedited procedure can be used.

Expedited review should be carried out by the IRB chairman or by an experienced reviewer designated by the chairman. The review should assure that the research in fact falls into a defined category of research not requiring full IRB review and that the research involves no violation of the basic ethical principles governing research involving human subjects. The reviewer should have authority to approve the research if it meets the conditions specified by the IRB, to request that the investigator bring the research into conformity with the specified conditions, or to refer the proposal to the IRB for full review. When there is any problem regarding informed consent, reduction of risk, etc., the research should be referred to the IRB for full review. Investigators should always be able to request full IRB review. Records of each expedited review, including the protocol, should be maintained as part of the IRB's records and be available for inspection by any member of the IRB. All members of the IRB should receive prompt notice of protocols approved by expedited review, and any member should be able to demand that the research be reviewed by the full IRB.

The following list provides some examples of research procedures for which expedited review procedures may be appropriate. It should always be remembered, however, that a study may entail more than minimal risk to subjects even though it involves procedures that ordinarily present no more than minimal risk. For example, a minimal risk procedure may be used in combination with more serious interventions, the subjects may be particularly vulnerable to harm from ordinarily harmless procedures, or data may be collected that could be harmful to the subjects if disclosed. For these reasons, care should be taken in defining and using categories of research for expedited review, and the reviewer should be alert for elements in particular proposals that require full IRB review.

Among the procedures for which expedited review (subject to the caveats described) may be appropriate are:

(A) Collection (in a nondisfiguring manner) of hair, nail clippings and deciduous teeth;

(B) Collection for analysis of excreta and external secretions including sweat, saliva, placenta expelled at delivery, umbilical cord blood after the cord is clamped at delivery, and amniotic fluid at the time of artificial rupture of the membranes prior to or during labor;

(C) Recording of data from adults through the use of physical sensors that are applied either to the surface of the body or at a distance and do not involve input of matter or significant amount of energy into the subject or an invasion of the subject's privacy. Such procedures include weighing, electrocdardiogram, electroencephalogram, thermography, detection of natural occurring radioactivity, diagnostic echography, and electroretinography;

(D) Collection of blood samples by venipuncture, in amounts not exceeding 450 milliliters in a six-week period, from subjects 18 years of age and over who are not anemic, pregnant or in a seriously weakened condition;

(E) Collection of both supra- and subgingival plaque. *Provided,* The procedure is no more invasive than routine prophylactic scaling of the teeth and the process is accomplished in accordance with accepted prophylactic techniques;

(F) Voice recordings made for research purposes such as investigations of speech deficits;

(G) Moderate exercise by healthy volunteers;

(H) The use of survey research instruments (interviews or questionnaires) and psychological tests, interviews and procedures that are part of the standard battery of assessments used by psychologists in diagnostic studies and in the evaluation of judgmental, perceptual, learning and psychomotor processes: *Provided,* That the subjects are normal volunteers and that the data will be gathered anonymously or that confidentiality will be protected by procedures appropriate to the sensitivity of the data;

(I) Program evaluation projects that entail no deviation for subjects from the normal requirements of their involvement in the program being evaluated or benefits related to their participation in such program; and

(J) Research using standard protocols or noninvasive procedures generally accepted as presenting no more than minimal risk, even when done by students.

Expedited review procedures may also be used to review minor changes in previously approved research.

The expedited review procedures to be used and the specific categories of research to which they will be applied must be adopted by the IRB and specifically approved by the accreditation office established by the Secretary of Health, Education, and Welfare. The IRB's authority to use such expedited review procedures should be revoked if an audit shows a pattern or improper application of such procedures.

Although the Commission has not recommended that IRBs be required to meet in public, it supports the principle of open meetings. The public generally should have access to IRB meetings, limited only by local law or

a decision of the IRB to close a meeting in order to discuss personal or proprietary information. Public access to meetings should not necessarily extend to the documents that will be discussed at the meetings. IRBs should make provision to consider requests by investigators to close meetings or portions of meetings at which their research proposals will be discussed.

The Commission has not recommended a mechanism for appeal from IRB determinations, since it believes that an IRB should have the final word at its institution regarding the ethical acceptability of proposed research involving human subjects. When there is disagreement in an area that may be outside the expertise of an IRB, however, the use of outside consultants is to be encouraged. Also, when there is disagreement over the application of regulations or guidelines issued by the Department of Health, Education, and Welfare, the accreditation and compliance office described in Recommendation (2) should provide expeditious clarification or interpretation upon request by an IRB. Should an institution wish to establish an appeals process, the Commission suggests that it be restricted to investigation of prejudice or unfairness and that the appeals board not be given authority to conduct a secondary review of the protocol or to reverse the IRB decision.

Chapter 1. Existing Mechanisms for Applying Ethical Guidelines to Research Involving Human Subjects

The problem of applying general rules and guidelines to specific cases, and the use of groups to make such decisions when questions of public interest or societal values are at stake, has a very long history. A system of a "multidisciplinary" nature can be found as early as the sixth century B.C., when Solon replaced the old Athenian court system with one in which all citizens—including the lowest class—could participate.(*1*) They were chosen by lot to sit in panels as judges and preside over what amounted to both the lower courts and the court of appeal. In Anglo-American law, the jury is a prototypic body for deciding how broad rules apply to individual cases. Both Solon's court system and the jury are extensions of political democracy to questions of criminal and civil responsibility.

A jury of peers, picked at random from the citizenry, is of course not the sole means available for applying rules to situations. A quite different approach, though also stated in terms of "peers," has characterized the history of some professions. The medical profession, for example, has traditionally professed concern with assuring that individual practitioners deliver care which is both necessary and of high quality. The origin of the professionally-controlled licensure mechanism in 19th century American medicine can be seen in these terms, although it has also been interpreted as part of the effort to establish professional monopoly.(*2*) Thus, it is widely held that a defining characteristic of a profession is a high degree of control over its own work.(*3*) The actual performance of professionals has also been subject to the review of peers, at least under some circumstances. Examples range from editorial boards of professional journals to tissue review or medical audit committees in hospitals to DHEW study sections. In recent years, the actual performance of physicians has come under the broader scrutiny of Professional Standards Review Organizations (PSROs), established in connection with the federal government's payments under the Medicare, Medicaid, and Maternal and Child Health programs.(*4*) None of these review procedures, however, was established for the express purpose of making decisions in the face of ambiguous or conflicting social values.

Human Subjects Review Procedures. Any useful set of ethical principles, guidelines or rules will require interpretation when applied to particular situations. In research involving human subjects, the desirability of bringing to bear on such interpretations the judgment of individuals other than the research investigator has come to be widely recognized and is the basis of present regulatory approaches to the protection of human subjects.

The first formal review procedures for protection of subjects apparently were established in 1953, when a document called "Group Consideration of Clinical Research Procedures Deviating from Accepted Medical Practice or Involving Unusual Hazard" was issued in connection with the opening of the Clinical Center at the National Institutes of Health.(*5*) This document showed particular concern with the issues of how much risk to subjects was justifiable and what aspects of a study must be disclosed to subjects. More importantly it introduced the idea that the resolution of such issues on any particular project should be subjected to group consideration, although primary responsibility was seen as remaining with the investigator.(*6*) These original guidelines have undergone several revisions and continue to pertain to the "intramural programs" at NIH.

The Development of the Institutional Review System. The use of the Institutional Review Board (IRB) as a regulatory mechanism for research supported by DHEW derives from the Public Health Service (PHS) review requirements initiate in 1966 by the Surgeon General.(*7*) (Two surveys conducted in the early 1950s showed that some institutions had some type of review procedure prior to the Surgeon General's requirements, although such procedures were hardly uniform or universal.(*8*)) In his memorandum establishing the institutional review requirement, the Surgeon General issued the following statement of general policy:

> Public Health Service support of clinical research and investigation involving human beings should be provided only if the judgment of the investigator is subject to prior review by his institutional associates to assure an independent determination of the protection of the rights and welfare of the individual or individuals involved, of the appropriateness of the methods used to secure informed consent, and of the risks and potential medical benefits of the investigation.(*9*)

This statement, it can be noted, explicitly assumed that the requirement pertained to biomedical research, although a "clarification" issued by the Surgeon General later in the same year extended applicability to behavioral research. The initial requirement was limited to PHS-supported research, and was seen as supplementing the internal review system that had evolved since 1947 for evaluating the scientific quality of research proposals.

A number of administrative changes in the PHS review requirements were made in the years following the Surgeon General's memorandum. The most significant change was a shift from the initial procedure under which a description of the review procedure was submitted with each proposal to a system of general assurances of institution compliance with the requirements, under which an institution sought one approval for procedures that would be applied to the review of any proposal within the IRB's jurisdiction. In 1971, the well-known *Institutional Guide to DHEW Policy on Protection of Human Subjects*(*10*) was published, establishing the PHS requirements as DHEW policy. Applicability was confined to studies "in which subjects may be at risk," and, though no longer limited to PHS, remained confined to research supported by DHEW. However, the *Institutional Guide* stated that if the Secretary judges that an institution has failed to discharge its responsibilities for the protection of "individuals in its care," whether or not DHEW funds are involved, the Secretary "may question whether the institution and the individuals concerned should remain eligible to receive future DHEW funds for activities involving human subjects." Administration of

the policy remained in the Institutional Relations Section of the Division of Research Grants, NIH. Throughout, the *Institutional Guide* provided more detail and direction than had earlier PHS statements.

DHEW REGULATIONS FOR PROTECTION OF HUMAN SUBJECTS (45 CFR PART 46)

Regulations for protection of human subjects were issued by DHEW on May 30, 1974 (45 CFR Part 46).(*11*) These regulations, as subsequently amended (March 13, 1975 and August 8, 1975),(*12*) currently govern the system of Institutional Review Boards. The applicability of the regulations is stated to be "to all Department of Health, Education, and Welfare grants and contracts supporting research, development, and related activities in which human subjects are involved" (sec. 46.101). Elsewhere, the regulations quote section 212(a) of the National Research Act (Pub. L. 93-348), which provides:

> The Secretary shall by regulation require that each entity which applies for a grant or contract under this Act for any project or program which involves the conduct of biomedical or behavioral research involving human subjects submit in or with its application for such grant or contract assurances satisfactory to the Secretary that it has established (in accordance with regulations which the Secretary shall prescribe) a board (to be known as an 'Institutional Review Board') to review biomedical and behavioral research involving human subjects conducted at or sponsored by such entity in order to protect the rights of the human subjects of such research.

The regulations provide no clarification of the apparent inconsistency between this statement and the regulations' own statement of "applicability."

The regulations indicate that safeguarding the rights and welfare of "subjects at risk" is primarily the responsibility of an institution that receives DHEW support for such research. To this end, the following DHEW policy is stated:

> [N]o activity involving human subjects to be supported by DHEW grants and contracts shall be undertaken unless an Institutional Review Board has reviewed and approved such activity, and the institution has submitted to DHEW a certification of such review and approval * * * (§ 46.102(a)).

Specifically, the regulations require IRB review of proposed research to determine whether "subjects will be placed at risk," and, if so, whether:

> (1) [t]he risks to the subject are so outweighed by the sum of the benefit to the subject and the importance of the knowledge to be gained as to warrant a decision to allow the subject to accept these risks;
>
> (2) The rights and welfare of any such subjects will be adequately protected;
>
> (3) Legally effective informed consent will be obtained by adequate and appropriate methods in accordance with the provisions of this part. (Sec. 46.102(b)).

When an IRB finds that risk is involved in research, the regulations also require that it "review the conduct of the activity at timely intervals" (§ 46.102(d)). Amendments published August 8, 1975, gave IRBs additional responsibilities in the review of research involving fetuses, pregnant women or human *in vitro* fertilization. (*13*) These amendments were issued to incorporate the recommendations of the National Commission for the Protection of Human Subjects.

With regard to the composition of IRBs, the regulations require the following:

> The Board must be composed of not less than five persons with varying backgrounds to assure complete and adequate review of activities commonly conducted by the institution. The Board must be sufficiently qualified through the maturity, experience, and expertise of its members and diversity of its membership to insure respect for its advice and counsel for safeguarding the rights and welfare of human subjects. In addition to possessing the professional competence necessary to review specific activities, the Board must be able to ascertain the acceptability of applications and proposals in terms of institutional commitments and regulations, applicable law, standards of professional conduct and practice, and community attitudes. The Board must therefore include persons whose concerns are in these areas. (Sec. 46.106(b)).

The regulations also specify that no member shall be involved in the review of an activity in which he has a conflicting interest, except to provide information; that no Board shall consist entirely of persons associated with the institution; and that no Board shall consist entirely of members of a single professional group.

General and Special Assurances. Recipients or prospective recipients of DHEW support research involving "subjects at risk" must provide "written assurance acceptable to DHEW that they will comply with DHEW policy." This assurance "shall embody a statement of compliance with DHEW requirements for initial and continuing Institutional Review Board review of the supported activities" and "a set of implementing guidelines, including identification of the Board and a description of its review procedures * * *" (§ 46.104(a)). No grant or contract involving human subjects at risk can be made unless the investigator is affiliated with or sponsored by an institution which assumes such responsibility.

Research may be conducted under two types of assurances—general and special. A general assurance describes the "review and implementation procedures applicable to all DHEW-supported activities conducted by an institution" (§ 46.105(a)). That is, the general assurance describes established procedures that will be brought into play repeatedly, and thus is typically submitted by institutions in which DHEW-supported research involving human subjects is recurrent. A special assurance, on the other hand, is the mechanism used when a proposal is submitted by an institution that does not have an approved general assurance, and describes the "review and implementation procedures applicable to a single activity or project" for which support is sought (§ 46.105(b)).

For general assurances, the "implementing guidelines" submitted by the institution must contain a "statement of principles which will govern the institution in the discharge of its responsbilities for protecting the rights and welfare of subjects. This may include appropriate existing codes or declarations, or statements formulated by the institution itself" (§ 46.105(a)). This statement is consistent with DHEW's view of the regulations as specifying procedures but not constituting an ethical code.

As of August 1, 1977, 534 institutions had an acceptable general assurance on file with DHEW. A substantial minority of these institutions were restricted in the types of studies that they were approved to review; most of these institutions were restricted from reviewing either medical or "Investigational New Drug" studies, or "behavioral" studies. Approximately 350 special assurances annually are approved. Since many projects run for several years, as many as 1,000 special assurances may be in effect at one time.

The regulations state that failure to comply with the regulations may result in early termination of awards or may affect the evaluation of subsequent applications or proposals (§ 46.121). The sanction of terminating a grant or contract due to noncompliance with the DHEW policy has not been used since the DHEW regulations were issued in May 1974.

A Note on Regulations for Education Research. DHEW regulations for protection of human subjects (45 CFR Part 46) do not apply to the National Institute of Education (NIE) and the U.S. Office of Education (OE). (*15*) The General Education Provisions Act gives to the Director of NIE and the Commissioner of Education authority to issue their own regulations, subject to the approval of Congress. (*16*) 45 CFR Part 46 has not been adopted for education research because some of the provisions therein are seen by the Education Division as inappropriate to the research conducted under its auspices. (*17*) NIE regulations do prohibit the use of data collection instruments "which constitute unnecessary or offensive intrusion of privacy through inquiries regarding such matters as re-

ligion, sex, race, or politics." (*18*) They also require parental consent of each respondent prior to the use of such instruments, although the Director of NIE may grant a waiver of this requirement. (*19*) NIE also requires that subjects be protected "from physical, psychological, or sociological harm, in accordance with the specific provisions of the Department's policy on the treatment of human subjects." (*20*) The provisions cited therein refer in turn to provisions of the DHEW Grants Administration Manual. (*21*) Similarly, OE grant and contract regulations also incorporate the DHEW Grants Administration Manual. (*22*) This Manual, in turn, requires approved assurances, IRB review, and informed consent procedures that are nearly identical to those of the DHEW regulations (45 CFR Part 46). Thus, though the citations are circuituous, a system similar to that of the rest of DHEW appears to be required within the Education Division. (*23*)

DHEW IMPLEMENTATION OF REGULATIONS FOR PROTECTION OF HUMAN SUBJECTS

Responsibility for monitoring the composition and function of IRBs is assigned to the Office for Protection from Research Risks (OPRR) in the Office of the Director, NIH. This office reviews both general and special assurances as they are submitted, and either approves or disapproves them or requires modifications of the composition or procedures of the IRBs.

Negotiations for approval of an assurance are initiated with the submission by an institution of a statement of compliance and implementing procedures. The assurance may be submitted voluntarily by the institution or requested by OPRR. For a special assurance, OPRR's review is generally limited to the composition of the IRB and its findings with respect to the proposal involved. For a general assurance, OPRR determines whether the composition of the IRB is proper, whether the procedures for meetings and review are adequate, and whether there is an appropriate statement of adherence to an ethical code. In making these judgments, OPRR determines whether the members of the IRB are properly diverse with respect to background, affiliation, training and academic rank, as the regulations require. There is no specific regulatory requirement for including racial or ethnic minorities or women, but OPRR attempts to see that they are included. OPRR also reviews the applicant institution's statement regarding the manner of appointment of members to the IRB, the quorum requirement and voting procedures, and whether the IRB has regularly scheduled meetings. In addition, OPRR reviews the proposed methods for monitoring ongoing research projects and procedures for record-keeping and for notifying the responsible parties in case of unexpected complications.

Staff members of OPRR make approximately 30–40 site visits per year in the process of negotiating assurances. At such visits, they review the operating procedures of the IRBs and examine the IRBs' files.

REVIEW OF RESEARCH PROPOSALS

DHEW regulations provide that "[n]otwithstanding any prior review, approval, and certification" by an applicant institution, all applications and proposals "involving human subjects at risk" submitted to DHEW shall be evaluated by the Secretary for compliance with the regulations. Both Departmental employees and outside experts or consultants may be used. This evaluation "may take into account, among other pertinent factors, the apparent risks to subjects, the adequacy of protection against these risks, the potential benefits of the activity to the subjects and to others, and the importance of the knowledge to be gained" (45 CFR 46.115(a)). The means by which this is done varies within the department, and differs for grants and contracts.

Review of Grant Proposals. All applications received by NIH or ADAMHA are reviewed by DHEW staff to determine whether or not human subjects are involved, regardless of the initial determination by the applicant's IRB. (When errors of omission are identified, OPRR is advised and the responsible IRB is then requested to take appropriate action.) Grant applications are then reviewed by an Initial Review Group (generally called a "study section"), which provides scientific review of the research design and the competence and experience of the principal investigator. The study sections are composed of recognized authorities in specialized areas of research. Statutory and administrative guidelines require selection from various geographic areas, rotation of membership and the inclusion of women and other minority representatives.

The DHEW Grants Administration Manual (Chapter 1-40-20-B) stipulates that:

> Review groups may (a) recommend disapproval if the hazards are so grave as to be unacceptable; (b) recommend approval without restrictions when the subject's rights and welfare are not infringed; (c) recommend approval but record expressions of concern to be communicated to the institution sponsoring the project or activity; or (d) recommend approval contingent on limitation of the scope of the work or the elimination of objectionable procedures involving human subjects.

Any decision short of unqualified approval must be communicated to the official of the sponsoring institution who signed the proposal and to the principal investigator. In addition, if the review group finds undue hazards to subjects or if it questions the ethical probity of a research proposal, the matter is referred to OPRR for further review. In most cases, OPRR writes to the IRB involved to call attention to the objections raised by the reviewers.

OPRR does not require that consent forms be submitted to DHEW with research proposals. (In fact, the present Director of that office has discouraged the practice on the grounds that study sections have no legal staff competent to assess consent forms and procedures, and there is insufficient staff at OPRR and the Office of the General Counsel to perform this job.) By contrast, ADAMHA requires its review groups to assure that the consent procedures for each project are adequate; thus, in many cases, the ADAMHA study sections review consent forms as part of the review process.

Once a grant application has been recommended for approval by a study section, it must undergo final review and approval by one of 14 National Advisory Councils. Each institute of the NIH and ADAMHA has such a council, which is required by law to include lay and public members in addition to scientific members with the appropriate expertise for the areas served by the council. The councils receive a summary of findings and the recommendations of the study sections and, on the basis of their own review and discussion, advise the appropriate departmental official whether or not the research should be supported. (The official is not required to follow the advice of the council and may in fact be unable to support all the proposals which have been approved; however, no project may be funded following disapproval of the Advisory Council.)*

DHEW components other than NIH and ADAMHA have procedures which are similar, if not identical to, those outlined above. Some rely primarily on staff review supplemented by "outside opinions" of consultants, reviewers or "field readers." Others rely on in-house committees, particularly for review and approval of contracts.

Thus, the present system involves several reviews of a research grant supported by DHEW: first by an IRB, next by DHEW staff, study section and Advisory Council, and finally continuing review by the IRB. These reviews are intended to complement each other.

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* Some institutes permit funding of small grants (with direct costs under $35,000) without the review and approval of a National Advisory Council or Board.

Review of Contract Proposals. The DHEW regulations for protection of human subjects also apply to research conducted under contract. Under DHEW procurement regulations (41 CFR 3-4.55) the judgment as to the need for IRB review is to be made by the agency supporting the research and specified in the Request for Proposal. The diversity within DHEW regarding review procedures for contract proposals probably exceeds that of grant review procedures. Within NIH, all contracts involving human subjects in "nontherapeutic research" must be reviewed and approved by the Medical Board of the NIH Clinical Center. Projects involving "therapeutic research" are reviewed by committees of varying composition within the various institutes.

FOOTNOTES

1. J. Bury, *A Histroy of Greece*, 1900, pp. 184-185, cited in Barbara Mishkin, "Multidisciplinary Review for the Protection of Human Subjects in Biomedical Research: Present and Prospective HEW Policy," 54 *Boston University Law Review* 1974, p. 278.

2. Richard H. Shryock, *Medical Licensing in America, 1650-1965*, Baltimore: Johns Hopkins Press, 1975; Jeffrey L. Berlant, *Profession and Monopoly: A Study of Medicine in the United States and Great Britain*, Berkeley: University of California Press, 1966, particularly Chapter 5.

3. Eliot Freidson, *Profession of Medicine: A Study in the Sociology of Applied Knowledge*, New York: Dodd, Mead, 1970.

4. P.L. 92-603, Title XI, Part B, Section 1151. More generally see Richard H. Egdahl and Paul M. Gertman (eds.), *Quality Assurance in Health Care*, Germantown, Md.: Aspen Systems, 1976.

5. Mark Frankel, *The Public Health Service Guidelines Governing Research Involving Human Subjects: An Analysis of the Policy-Making Process*, Washington, D.C.: George Washington University Program of Policy Studies in Science and Technology, 1972, p. 9.

6. *Ibid.*, p. 11.

7. The background of this development is described in Frankel, *op. cit.*, and in William J. Curran, "Government Regulation of the Use of Human Subjects in Medical Research: The Approach of Two Federal Agencies," *Daedalus*, Vol. 98, 1969, pp. 542-594.

8. The first was done by Louis G. Welt, "Reflections on the Problems of Human Experimentation, "*Connecticut Medicine*, Vol. 25, 1961, pp. 75-79. The second, conducted by the Boston University Law-Medicine Research Institute, is described by Curran, *op. cit.*, pp. 546-548.

9. Surgeon-General, "Memo to Heads of Institutions Conducting Research with Public Health Service Grants," February 8, 1966.

10. DHEW, *The Institutional Guide to DHEW Policy on Protection of Human Subjects*, DHEW Publication No. (NIH) 72-102, December 2, 1972.

11. DHEW, Protection of Human Subjects, 45 CFR Part 46, 39 FR 18917, May 30, 1974.

12. DHEW, Protection of Human Subjects: Technical Amendments, 45 CFR Part 46, 40 FR 11854, March 13, 1975.

13. DHEW, Protection of Human Subjects: Fetuses, Pregnant Women, and *In Vitro* Fertilization, 45 CFR Part 46, 40 FR 33526, August 8, 1975.

14. The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, Research on the Fetus: Report and Recommendations, Washington, D.C.: DHEW, 1975. (DHEW Publication No. (OS) 76-127).

15. Caspar W. Weinberger, Secretary, DHEW, in introduction to DHEW Regulations for Protection of Human Subjects, 45 CFR Part 46, 39 FR 18917, May 30, 1974.

16. General Education Provisions Act, secs. 408(a)(6)(c) and 431.

17. Thomas K. Glennan, Jr., Director, National Institute of Education, in introductory comments to the Institute's General Provisions for Research and Development Grants, 45 CFR Part 74, published as regulations in 39 FR 38992, November 4, 1974.

18. 45 CFR Part 74, §1410.1(c), 39 FR 39006, November 4, 1974.

19. 45 CFR Part 74, §1410.1(f), 39 FR 39006, November 4, 1974.

20. 45 CFR Part 74, §1410.2 39 FR 39006, November 4, 1974, citing Title 41, Subpart 3, §4.55 of the Code of Federal Regulations.

21. Chapter 1-40, DHEW Grants Administration Manual.

22. Memorandum from Mary Moore, Office of the Assistant Secretary for Education, June 7, 1976.

23. *Ibid.*

CHAPTER 2. A STUDY OF THE PERFORMANCE OF INSTITUTIONAL REVIEW BOARDS

In preparation for its deliberations on mechanisms for protecting human subjects, the Commission recognized the importance of developing systematic information about the performance of Institutional Review Boards (IRBs). Although IRBs play a key role in the existing system for protecting human subjects, only superficial information about IRBs was available from DHEW, and existing studies were either dated, of limited depth, or based on the experience of single, selected IRBs.* The Commission therefore contracted with the Survey Research Center of the University of Michigan for a systematic survey of a representative sample of IRBs.

This study focused on review procedures and research projects at a probability sample of 61 institutions drawn from the more than 420 institutions with general assurances approved by DHEW. The study covered research reviewed by IRBs at these institutions between July 1, 1974 and June 30, 1975. Approximately 3,900 persons were interviewed, including more than 2,000 research investigators whose proposals had been reviewed, over 800 members or persons especially knowledgeable about the IRBs in the sample, and almost 1,000 subjects or third persons who consented on their behalf.**

IRBs exist in a number of distinctive institutional environments. Medical schools (and universities that share IRBs with medical schools) accounted for 59 percent of the research reviewed by IRBs in the sample. Universities (with IRBs separate from those for medical schools) and hospitals accounted for 18 percent and 15 percent, respectively. Most of the remaining research was conducted in institutions for the mentally infirm, although some was conducted in research institutions or in dental or nursing schools.

Approximately 60 percent of the studies reviewed by IRBs was biomedical, most frequently involving the administration of drugs or the study of samples of bodily fluids or tissues. Investigators in many of these studies reported that the major intervention (e.g., the administration of a drug) would have occurred even if the patient had not been involved in the study. Behavioral research—most frequently using interviews, questionnaires, testing or observation—accounted for about one-third of the research reviewed by IRBs; about a fifth of the behavioral research entailed the study of an intervention such as social or psychological therapy, behavior modification techniques or educational innovations. The remaining small fraction of the research reviewed by IRBs (about six percent) involved secondary analyses of data or the study of bodily fluids or tissues that had been obtained for other purposes.

IRBs face greatly varying work loads. An IRB at a small institution may not receive even a single proposal in a given year, while IRBs in major medical schools or universities receive hundreds of proposals for review. The average IRB reviews 43 proposals per year. The number of members on IRBs in the sample ranged from 5 to 55, with an average of 14. IRBs in the

*Bernard Barber *et al.*, *Research on Human Subjects: Problems of Control in Medical Experimentation*, Russell Sage Foundation, New York, 1973; Dale H. Cowan, Human Experimentation: The Review Process in Practice, *Case Western Reserve Law Review*, Vol. 25, No. 3, 1975, pp. 533-564; Bradford H. Gray, An Assessment of Institutional Review Committees in Human Experimentation, *Medical Care*, Vol. 13, No. 4, 1975, pp. 318-328; Sherry E. Marcy, *A Systems Study of a University Committee for Protection of Human Subjects of Experimentation*, Unpublished Master's Thesis, Yale University School of Public Health, 1974; Kenneth Melmon *et al.*, Emerging Assets and Liabilities of a Committee on Human Welfare and Experimentation, *New England Journal of Medicine*, Vol. 282, No. 8, 1970, pp. 427-431; Eugene J. Millstein, *The DHEW Requirements for the Protection of Human Subjects: Analysis and Impact at the University of California*, Research Management Improvement Project, University of California, Berkeley, 1974.

**In addition to its reports on the performance of IRBs, the Survey Research Center made separate reports on research involving prisoners, research involving children, and research involving those institutionalized as mentally infirm. Those reports are summarized in the Commission reports on those respective topics.

sample met as few as two and as many as 51 times per year, with an average of 10 meetings per year. The average IRB expended 760 member-hours per year on IRB work; this figure ranged as high as 5,000 member-hours for one IRB. IRBs spend an average of almost one hour per proposal in meetings, and the total number of member-hours per proposal (including time spent outside of meetings) averaged 38 hours and ranged as high as 270 hours at one IRB.

Composition of IRBs. The majority of IRB members in the sample were biomedical scientists (50 percent) or behavioral scientists (21 percent); about 30 percent did not identify themselves as biomedical or behavioral scientists. This latter group included administrators, lawyers, nurses, members of the clergy and others. Biomedical researchers, behavioral researchers, full-time administrators and "community representatives" were each found on approximately 90 percent of the IRBs. About three-fourths of the IRBs included a lawyer; this was particularly characteristic of IRBs in medical schools and occurred least frequently (in fewer than one-third of the IRBs) at institutions for the mentally infirm. All IRBs included at least one member who was not otherwise affiliated with the institution. The membership of half of the IRBs was reported to include racial or ethnic minorities. Eighty-eight percent of the IRBs included women. Three-fourths of IRB members were asked to serve (only five percent said they sought membership), and fewer than five percent said that they had had any special training for their role, although most said they had received a briefing or some written instructions (e.g., the DHEW regulations).

A diversity in attitudes and concerns is associated with the diversity of membership on IRBs. There were differences among biomedical scientists, behavioral and social scientists, and other IRB members regarding the issues that they reported raising for discussion, the matters about which they believed that other members perceived them to be expert, and the emphasis that they reported placing on different aspects of research proposals. Nonscientists generally reported themselves to be less active and less influential than other IRB members. Nevertheless, almost all IRB members indicated that viewpoints of all members were sought and considered in IRB decisions, and almost 90 percent of IRB members expressed satisfaction with their accomplishments on the IRB.

Policies and Procedures of IRBs. Although there are a few common denominators among IRBs—almost all reported discussing proposals in convened meetings, and most review all research, regardless of funding source—the diversity of their policies and procedures is striking. About two-thirds of the IRBs had a procedure to screen out proposals that did not need attention from the IRB. About half of the IRBs assigned proposals to individual members for intensive review, and about one-fourth of the IRBs reported delegating some responsibility to subcommittees for similar purposes. Half of the IRBs required that proposals be submitted on standard forms, and most of the others provided investigators with some instructions regarding the submission of proposals. About half of the IRBs took formal votes on all proposals, and almost all took formal votes on at least some occasions. Two-thirds of the IRBs accepted majority approval as satisfactory; one-fourth required unanimity. More than half of the IRBs said that their meetings were open to nonmembers. More than one-fourth of the IRBs said that investigators always attend the meetings at which their porposals are discussed, and more than 80 percent of the IRBs reported that this happened at least occasionally.

One-fifth of the IRBs reported that approved proposals are routinely subjected to further review. Thirteen percent of the IRBs reported that rejected proposals were automatically reviewed a second time. half of the IRBs had provisions for investigators to appeal IRB dicisions.

IRB Involvement After Final Review. Most IRBs approved some projects with the stipulation that they be reviewed again after periods ranging from one month to three years, but usually after one year. When an ongoing project was submitted for review, four-fifths of the boards required that information be provided concerning such matters as the progress of the research, changes in the original protocol, tentative results, the number of active subjects and refusals to participate, consent forms and subject-related problems. Only half of the boards reported having either a formal or informal policy regarding the reporting of injuries to subjects. In most of these IRBs, investigators were supposed to notify the IRB in the event of injuries to subjects; a few IRBs reported that research was to be halted or reviewed again if injuries occured. Forty percent of the Boards had a policy regarding treatment of or compensation for injuries to subjects.

More than one-third of the Boards had, at some time, designated someone to observe the manner in which projects were conducted; half of these Boards said that this was done routinely, and the others reported that projects were observed only under certain circumstances, such as when there was particular risk, when children were involved or when there had been problems in the past.

Over 80 percent of the IRB members felt that it was likely or certain that their IRB would learn of the existence of research involving human subjects that had not been reviewed or that was being conducted in way that was substantially different from the manner approved by the IRB. Respondents from universities felt least certain of this. One-fourth of the IRBs had become aware of the conduct of such research in the previous year. In such situations, IRBs were reported to have intervened to require research to be reviewed or to have called the matter to the attention of institutional authorities.

IRB Modifications of Research Proposals. Information provided by investigators indicated that more than half of the proposals reviewed by IRBs were modified, either by requests for additional information or by substantive modifications. Most modifications occurred as a result of the formal review process, although some projects were modified as a result of informal contacts between investigators and IRB members. IRBs sought more information about almost one-third of the proposals submitted for review, and they required modifications regarding informed consent in one-fourth of the proposals. Modifications regarding scientific design, subject selection, risks and discomforts, and confidentiality were each made in three to four percent of proposals.

IRBs varied markedly in the percentage of proposals that they modify. Modifications in every proposal were reported for 14 percent of the IRBs, while at 22 percent of the IRBs no more than one-third of the investigators reported that the IRB had required modification in their proposals. IRBs also varied in the variety of modifications they make. For 19 percent of the IRBs, only one type of modification in proposals was reported, while seven percent of IRBs made all six types identified in the survey (*i.e.*, modifications regarding consent, risks, scientific design, subject selection, confidentiality and "other" modifications). The median number of types of modifications by IRBs was 2.5.

Risks and Benefits of Research Approved by IRBs. More than half (55 percent) of the projects for which information was available were expected by the investigators to be of benefit to the research subjects. There was little difference in this regard between biomedical projects and projects that involved a behavioral intervention, although the nature (medical or psychological) of the benefits differed. Fewer than one-third of the behavioral pro-

jects that did not involve the study of an intervention were expected to benefit subjects.

Estimates of the probability and magnitude of the possible harms to subjects were also provided by investigators. One-fourth of the investigators judged their projects to be without risk, and another fourth judged their research to have no more than a "very low" probability of "minor" complications. About half of the research involved more risk—at least a "low" probability of minor complications or a "very low" probability of serious complications. Table 1 shows that as the assessed risk of projects increased, so did the likelihood that the projects would benefit subjects; provisions for treatment of injuries to subjects and the actual occurence of injuries to subjects also were most likely to be found in studies in which the investigator's assessment of risk was relatively high.

These estimates of risk should not be treated as objective assessments of the degree of risk present in research. The assessment of independent raters would undoubtedly differ in some cases from the assessment of investigators themselves. That is, after all, one rationale for the review process. Nevertheless, the validity in the aggregate of the investigators' estimates of the riskiness of their research receives some confirmation from the fact that injuries to subjects were more likely to be reported in studies in which risks were assessed as relatively high (see Table 1). Table 1 also shows that as the risk of projects increased, so did the likelihood that the projects would benefit the subjects. Only about one-third of the "no risk" projects were expected to benefit subjects, while at the other end of the risk scale, 80 percent of the projects were expected by the investigators to benefit subjects.

TABLE 1.—*Risk, Benefit, and Availability of Treatment for Harmful Effects*

[Percent of projects]

Relative risk level*	Expected by investigator to benefit subjects	Harmful effects reported	Treatment reported available
No risk (N=710)	34	0	14
Very low risk (N=446)	52	1	31
Low risk (N=459)	63	3	52
Moderate risk (N=483)	80	12	81

*As assessed by investigators.

Overall, harm to subjects was reported in three percent of the projects. These harms were generally considered trivial or only temporarily disabling. Three investigators reported fatal effects; in each of two projects one subject died and in one project three subjects died. Each of these projects involved cancer research, and in two of the projects some subjects were in near terminal condition at the time of their participation in the research.

In three projects, the investigator reported that a breach of confidentiality had occurred which had harmed or embarrassed a subject; most investigators reported having some procedure to protect subjects' confidentiality, but in more than ten percent of the projects no such procedures were reported.

There were some indications that IRBs which review relatively risky research are more careful in their reviews. For example, a more comprehensive set of issues was reportedly discussed during the review of proposals, and the rate of modification of proposals was greater, in IRBs that review more relatively high risk research. This correspondence between risk and performance occurs in medical schools and hospitals, but not in universities. Thus, it appears that in some IRBs the allocation of energy may not be related to the degree of risk in the projects under review.

Selection of Subjects in Projects Approved by IRBs. By and large, IRBs accepted investigators' plans for selection of subjects. However, changes were required in three percent of the projects, usually by limiting or restricting the sample in some way. "Patients" served as subjects in 76 percent of the projects approved by IRBs in medical schools and in 86 percent of projects in hospitals. In almost half of these projects, the subjects were the investigator's own patients. Patients were subjects in only 17 percent of the projects in universities (and 66 percent of projects in other institutions). University projects most frequently involved college students (37 percent) as subjects. Subjects in most research were selected because of a specific condition or characteristic. For patients, their disease was usually a selection criterion; in research in universities, the most common selection criteria were demographic characteristics such as age or educational situation. Persons identified as patients served as subjects in three-fourths of the projects expected to benefit subjects and in half of the other studies. Persons selected from the general population were more likely to be participants in projects not expected to benefit subjects than in projects expected to provide such benefits.

Projects in which investigators reported relatively high proportions of (1) males, (2) persons between 41 and 64 years of age, and (3) high or middle income persons were more likely than other projects to be above average in risk. Overall, although more investigators described their subjects as "low income" persons than as "high income" persons, there was no evidence that low income persons were particularly likely to be selected either for relatively risky research or for research that was not expected to benefit subjects. Projects involving substantial proportions of children or older people were more likely to be expected to benefit the subjects than were projects that drew more heavily on 19 to 40-year-olds.

Informed Consent. Informed consent is the focus of considerable activity by IRBs; yet it clearly remains a problem. According to investigators, IRBs required changes regarding the obtaining of consent in one-fourth of the projects they approved. Virtually all of these changes pertained to the content of consent forms—most commonly through the addition of materials—rather than the way in which consent was obtained; in fewer than one percent of the studies did IRBs require changes regarding the timing of the consent process, who obtained consent, the setting in which consent would be obtained, or the presence of a witness.

Investigators reported that informed consent was obtained in almost 90 percent of the projects. Usually such consent was obtained in writing. The major reasons cited for not obtaining consent were that the return of questionnaries implied consent, that only routine procedures or treatments were being used, or that the study was based exclusively upon existing records, data or materials gathered for other purposes.

Principal investigators had either exclusive or shared responsibility for obtaining consent in 70 percent of projects, and someone other than the persons seeking and giving consent was present when consent was sought in about half of the projects. In two-thirds of the studies expected to benefit subjects directly, investigators reported that the benefits to others in the future or to scientific knowledge

were mentioned in about half of the projects. In projects not expected to benefit subjects directly, benefits to others and benefits to scientific knowledge were each reportedly emphasized in the consent process in about half of the studies; direct benefits to subjects were reportedly given emphasis in about one-fifth of these studies. Principal investigators generally reported that the participation of subjects was *requested* when consent was obtained. Investigators *recommended* participation in 35 percent of the projects expected to benefit subjects, and in seven percent of the projects not expected to benefit subjects.

In 15 percent of the studies, investigators reported that some information was withheld from subjects. This occurred most frequently (29 percent) in studies conducted in universities and least frequently (12 percent) in projects conducted in medical schools, and as often in projects expected to benefit subjects as in other studies. The reason given for withholding information was usually to eliminate sources of bias in the study or because it was believe that the subject would not understand the information. The information not disclosed usually pertained to the purpose of specific procedures in the study or to the identity of the medication or treatment being used with particular subjects (as in double-blind research designs). In a few projects (two percent) investigators reported that subjects were given information that was untrue. Most of these projects were conducted in universities. The false information usually concerned the purpose of the procedures used in the study, and the reasons again pertained to the avoidance of bias in the data.

Subjects were paid in a few studies (seven percent of the studies expected to benefit subjects and 20 percent of other studies). These payments tended to be small—usually under ten dollars—but ranged as high as one or two hundred dollars in rare instances.

Despite the general use of consent forms and the evidence of IRB concern regarding such forms, concent forms tended to be inadequate, according to an analysis of the content and readability of the actual forms used in the research. On an index composed on six consent elements mentioned in DHEW regulations (45 CFR 46.103(c))—the purpose of the research, the procedures involved, the risks, the benefits, a statement that subjects are free to withdraw from the research, and an invitation to ask questions—only 18 percent of the forms were complete or nearly complete. Twenty-one percent of the forms from hospitals and medical schools were complete or nearly so, while this was true of less than 10 percent of the forms from universities and other institutions. Descriptions by investigators of the topics covered in oral explanations added only negligibly to the information that was transmitted to subjects.

Some elements received more coverage than others in consent forms. The procedures of the research were not mentioned in 10 percent of the forms; the purpose was not mentioned in 23 percent; neither the presence nor the absence of benefits to the subjects was mentioned in 45 percent. Risk was not mentioned in 30 percent of the forms, and 70 percent of these forms were in studies that were described by investigators as entailing at least a very low probability of minor harm to subjects. Even in consent forms in which these various elements were mentioned, fewer than half of the forms provided a detailed description. In some cases, these topics were mentioned only in statements saying "I certify that I have been informed of the purpose, procedures, and risks and benefits of this study." A statement regarding withdrawal from the study was not present in 22 percent of the consent forms; however, many of these may have been from studies in which the active participation of subjects ended quickly. An offer to answer questions appeared in more than half of the consent forms. A description of alternative treatments might have been expected in studies that were expected to be of benefit to subjects; however, this occurred in fewer than 20 percent of the cases. Similarly, consent forms from projects described by investigators as including an "experimental" element might have been expected to mention this. About 60 percent of the consent forms from such projects, however, did not call attention to the experimental nature of the project through the use of words such as "experiment," "research" or "investigation."

A "reading ease score" was computed for each consent form, using a standard measure, the Flesch Readability Yardstick.* Consent forms tended to be written in academic or scientific language that may be difficult for the layman to understand. Descriptions of the procedures used in the research tended to be somewhat more readable than descriptions of the purpose or risks of the research; but overall, no more than 15 percent of the consent forms were in language as simple as is found, for example, in *Time* magazine. In more than three-fourths of the consent forms, fewer than ten percent of the technical or medical terms were explained in lay language. It is questionable whether many subjects would find most consent forms very useful to them in making decisions regarding participation in research. No information is available on the degree to which the difficult language of the consent forms is mitigated by oral explanations in simpler terms.

No relationship was found between the completeness and readability of consent forms. There was no tendency for the more complete consent forms to be either more or less difficult to read than were the less complete consent forms.

Comparisons were made of the pre- and post-review versions of consent forms from the same projects to attempt to elucidate why IRBs required many modifications in consent forms, yet approved forms that were frequently incomplete and difficult to read. No significant difference was found on the average readability or completeness scores between consent forms as submitted to the IRBs and the consent forms as approved by the IRBs. This was true even on consent forms changed by the IRBs. Furthermore, an examination of forms as submitted for review showed no significant differences (in the expected direction) between those for which modification was requested by the IRBs and those for which no modification was requested. That is, the less readable and less complete forms were no more likely to elicit a request for modification than were the relatively readable and complete forms.

The Performance of Institutional Review Boards. The present study included examination of differences among IRBs in the extent to which each (a) is comprehensive in its discussions of proposals, (b) has procedures to monitor the progress of research, (c) makes modifications in proposals to improve the protection of the rights and welfare of human subjects, (d) approves readable and complete consent forms, (e) is judged by IRB members to do a good job, and (f) is viewed positively by investigators.

Although a high score on any particular measure may not indicate an effective IRB, one that scores high on all of these aspects could presumably be judged to be effective, and an IRB that scores low on all of these aspects is presumably ineffective. However, no such patterns among the criteria emerged in the analysis of the data. Instead, it was found that an IRB's score on one of the measures tended to be unrelated to its score on the other measures. Thus, for example, there was no relationship between evaluations of an IRB by its members and by evaluations by the investigators whose research it reviews. Overall, four-fifths

* Rudolf Flesch, A New Readability Yardstick, *Journal of Applied Psychology*, Vol. 18, No. 3, June 1948, pp. 221-233. The "reading-ease score" is based on word length, i.e., the average number of syllables per 100 words, and sentence length, i.e., the average number of words per sentence.

of the specific indicators of performance showed no relationship to each other; of the few relationships found, almost as many were negative as were positive.

There were, however, some findings of interest regarding the relationship of the measures of performance. IRBs that most frequently made modifications in consent forms tended to approve the most complete consent forms. However, this appears to be an indirect effect of the IRBs' attention to consent forms, because the consent forms submitted to these IRBs were also more complete than those submitted to other IRBs. No similar effect regarding readability was found, nor was there any evidence of improvement (regarding readability or completeness) on consent forms as a direct result of changes required by the IRB.

There was also evidence that the Boards which make the most common types of modifications in proposals tend to receive lower evaluations from investigators. Thus, IRBs that made frequent requests for more information from investigators were evaluated in less positive terms by investigators. Similarly, at institutions where IRBs made relatively frequent modifications concerning consent, investigators more frequently disagreed with the statement that the IRB protects the rights and welfare of human subjects. These findings suggest that there may be a trade-off between IRB activity and investigator acceptance, particularly when investigators do not see a link between the IRBs' actions and the protection of subjects. Clear trade-offs among the measures of performance occurred infrequently, however.

IRBs whose work load included a large proportion of biomedical research tended to rank relatively high on many (though not all) criteria of performance. For example, they tended to make more modifications regarding consent and risk in proposals, they more often monitored projects, and they reported their discussions as relatively more comprehensive. On the other hand, they were more likely to approve research in which no provisions were made to protect the confidentiality of the data and to approve less readable, though more complete, consent forms.

In general, the procedures, policies and composition of IRBs showed relatively little relationship to the various measures of performance. Again, no consistent pattern emerged. Thus, for example, IRBs that assigned proposals to individuals or subcommittees for intensive review tended to make a greater variety of modifications in the proposals they reviewed. However, they did not make more frequent modifications, nor did they rank high on any other measure of performanced. IRBs for which approved proposals were subject to a subsequent review made more modifications regarding risk and scientific design than did other Boards, but they were no more likely than others to make other modifications in proposals (e.g., regarding consent) and they were less likely to monitor the actual conduct of the research.

The various measures of performance showed almost no relationship to either the presence of particular types of persons on the IRB or the overall heterogeneity of membership.

The operation of the review process was viewed more favorably than unfavorably by most research investigators and IRB members (see Table 2). However, a substantial minority, particularly of the investigators, felt that the review procedure is an unwarranted intrusion on the investigator's autonomy, that the IRB gets into inappropriate areas, that it makes judgments it is not qualified to make, and that it has impeded research. The problem (from a list of ten problems) most frequently indicated by Board Members was getting members together for meetings. More than one-fourth of the IRB members indicated as problems the need for rapid action to meet deadlines imposed by funding agencies, the lack of precise DHEW guidelines, and the time spent unnecessarily reviewing research with little risk.

Attitudes of Research Subjects. Investigators who found it appropriate to cooperate in this aspect of the research sent letters to their subjects indicating that the Survey Research Center wished to interview them about their experience in research. Only those subjects who returned a post card indicating willingness to be interviewed were contacted. This procedure was employed to protect the privacy of the subjects of the research under study, and it complicated the inherent difficulties of contacting such a sample. Thus, a true probability sample of research subjects was not obtained, and the sample cannot be considered representative. Furthermore, periods of up to a year had elapsed since some subjects' participation. These data, therefore, must be interperted with caution.

Most subjects or third parties recalled giving consent for participation, but one out of ten indicated that it was not understood that they were to be involved in "research." The majority, however, felt that they had been given clear, sufficient and accurate information about the project in which they participated. The single most prevalent reason for subjects' participation was the expectation of medical, psychological or educational benefits. Almost all of the respondents (98 percent) felt that participation was voluntary; most felt positively about the experience; and two-thirds felt that they (or the subject) benefited directly. Thirteen percent, however, said that they had experienced unexpected difficulties. About 70 percent said they would be very willing to participate in a similar study again.

Subjects and third parties who consented on their behalf offered a number of suggestions and comments, including the desirability (expressed by 19 percent) for additional information about the research and the need (expressed by 11 percent) for more care or courtesy on part of investigators in their treatment of subjects.

Summary. To summarize briefly the study's findings, IRBs are quite active in the review of proposed research. They modify over half the proposals reviewed. They are very concerned with informed consent and require modifications regarding informed consent in one-fourth of the proposals reviewed. There is a clear tendency for IRBs to approve research in which risk is related to benefits to subjects. On the negative side, IRBs' attention to the issue of informed consent is almost exclusively confined to consent forms, with IRBs having little other impact on the process by which consent is obtained. Nevertheless, consent forms were frequently deficient in content and tended to be difficult for the average layman to understand. Furthermore, no evidence was found that IRBs help to improve consent forms. Forms that are difficult to understand when first submitted to IRBs are no more understandable after they pass the review. Neither are they more complete.

IRB members and investigators were virtually unanimous in agreeing that the IRBs at their institutions help to protect the rights and welfare of human subjects, and most agreed that the procedures are reasonably efficient and even that they have had the effect of improving the scientific quality of research. There are some serious criticisms of IRBs as well, particularly from among social and behavioral researchers. Nonetheless, researchers as well as IRB members seem to recognize the need for the review of research, to accept the legitimacy of IRBs, and to be prepared to play a role in supporting the work of IRBs.

[4110-08-C]

Table 2

Attitudes of Different Types of Investigators and Review Committee Members Toward the Review Procedure and Committees

	Percent Agreeing with Each Statement					
	Review Board Members			Research Investigators		
	Biomedical Sciences (N=370)*	Behavioral & Social Sci. (N=135)*	Other (N=220)*	Biomedical Sciences (N=940)*	Behavioral & Social Sci. (N=395)	Other (N=180)
The human subjects review procedure has protected the rights and welfare of human subjects --at least to some extent.	99%	99%	99%	99%	96%	98%
The review procedure has improved the quality of scientific research done at this institution--at least to some extent.	78	62	70	69	55	83
The review procedure runs with reasonable efficiency--at least to some extent.	99	96	99	96	94	94
The review procedure is an unwarranted intrusion on an investigator's autonomy--at least to some extent.	13	11	6	25	38	23
The review committee gets into areas which are not appropriate to its function--at least to some extent.	39	24	27	50	49	39
The review committee makes judgments that it is not qualified to make--at least to some extent.	28	21	20	43	49	25
The review procedure has impeded the progress of research done at this institution--at least to some extent	26	30	22	43	54	36

* N's are approximate since non-response varied from item to item.

CHAPTER 3. LEGAL ASPECTS OF INSTITUTIONAL REVIEW BOARDS

While the courts have not been directly involved, a number of legal issues—including questions related to federal spending power, academic freedom, due process, tort liability, and open meetings and records—are relevant to the operation of IRBs.

Federal Spending Power. An IRB is created by the institution in which it operates. The institution selects the members and invests the IRB with authority to review research according to standards adopted by the institution. To obtain federal research funds, however, the institution must conform the composition, structure and duties of its IRB to DHEW regulations issued pursuant to the National Research Act (1974),(*1*) which directed DHEW to require that any institution receiving support must establish an IRB to review "research involving subjects conducted at or sponsored by the institution." Despite some ambiguity in the Act and in regulations implementing this directive,(*2*) DHEW requires IRB review of all research involving human subjects, whether or not federally funded. Although the power of Congress to regulate nonfunded activities through the funding power has been challenged in other contexts, it has not yet been definitively settled.(*3*) If the courts restrict Congress' power to regulate nonfunded activities as a condition of federal funding, however, it is likely that they will permit regulation of nonfunded activities when reasonably related to the purpose of the federal spending.(*4*)

If the purpose of research support by DHEW is to promote ethically conducted research involving human subjects, it could be argued that application of the regulations to all such research, whatever the funding source, reasonably advances protection of subjects in the DHEW-funded research. Requiring the same rules for all research in a given category might make the institution generally more aware of problems in protecting subjects and overseeing research, and might induce greater awareness, commitment and consistency in ethical concerns among investigators, all of which would enhance ethical conduct of federally funded research. While it could also be argued that review of all research is not essential to the protection of subjects in funded research and in some cases might even undermine that goal,(*5*) the condition appears closely enough related to the purpose of assuring ethically conducted research in the funded program to satisfy a rational relation test.(*6*)

Academic Freedom and Free Inquiry. Some have argued that the requirement of prior review and approval by an IRB violates constitutional rights of academic freedom and free inquiry. This question has not been specifically addressed by the courts, nor has a constitutional right to do research been recognized. Yet there is good reason to believe that if a case arose, the Supreme Court would recognize a First Amendment "right to research."(*7*) Such constitutional protection would not be precluded because research contains elements of conduct.(*8*) It would be anomalous if the publication and reading of a scientific article could not be prohibited, but the research that must occur before it were published could be.

If research is within the ambit of the First Amendment, then the government cannot regulate or restrict it on the basis of the ideas or knowledge sought (its "content"), but only on the basis of the manner in which the research is carried out. Thus, the state may not interfere with the researcher's choice of the end or topic of research, but may regulate only the methods used in the research, in order to protect interests in health, order and safety with which unrestricted research might conflict. Such restrictions are valid if they are reasonably related to protection of nonspeech interests and are not so vague and overbroad that they chill the exercise of protected speech. Thus, the state may restrict research methods to protect the health or autonomy of subjects, or the safety of the surrounding community, even if, in some instances, the restrictions prevent the research altogether. It could not, however, ban a study on the ground that the knowledge sought was undesirable unless it presented a clear and present danger of substantive harm within the state's power to prevent. Moreover, the clear and present danger test is a strict one, and requires that the harm from the knowledge sought be both imminent and substantial;(*9*) public offense or dislike for particular knowledge would not satisfy the test.

The IRB review process is essentially a system regulating the manner of conducting research in order to protect the interests of subject—interests which are independent of the knowledge sought or the uses to which it will be put. The researcher remains free to investigate the topic, as long as he uses methods that will not harm subject interests that the state or institution may validly protect.

Where the IRB system is imposed on researchers as a condition of employment, matriculation or receipt of research funds, the same constitutional limitations will not apply. Neither the government nor a university has a legal obligation to support research of any particular kind, nor hire researchers in any particular area.(*10*) Research allocation decisions may be based on an assessment that the research is important, acceptable to the community, or meets some other reasonable purpose of public spending. Thus, an institution may empower the IRB to apply both content and manner restrictions to research that it funds, whether or not such a system would be constitutional if directly imposed by the state on nonfunded research.

However, in imposing restrictions, the institution may restrict research only if it follows its own goverance procedures, which are usually incorporated into the investigator's contract of employment with the institution. Failure to follow those procedures may bar the institution from imposing sanctions on an investigator who fails to comply with IRB requirements. It may also technically invalidate institutional assurances, because the IRB would lack authority to do what it is assuring it will do.(*11*)

The need to observe governance procedures incorporated in employment contracts also applies to research in nonacademic settings, such as hospitals and private firms. Hospitals and health care institutions may regulate research conducted by their staff and on their premises, within the limits of the contractual relationship with research staff. If hospital by-laws allocate authority over these decisions to the medical staff or board of directors, then regulation can occur only if formally voted by these bodies. Private research firms or organizations may also be bound by contractual arrangements with staff.

Due Process. When an IRB modifies or disapproves research protocols, the liberty or property interests of investigators may be sufficiently affected to bring to bear the procedural due process rights developed by the Supreme Court in recent years for persons adversely affected by governmental decisions.(*12*) Since these rights attach only when there is "state action," they bind only those IRBs located in public institutions.(*13*) Unlike First Amendment rights, they probably cannot be withheld or waived as a condition of funding.(*14*) IRBs in private institutions are not presently required to recognize these rights unless they are independently a part of their rules, regulations or by-laws and hence part of a researcher's contract with the institution, or required by state law.(*15*)

Once the threshold of governmental action affecting a liberty or property interest is crossed, the question then arises of what process is due the investigator. The IRB must of course act reasonably in applying criteria for protection of subjects, and it ordinarily cannot impose conditions or act on considerations not reasonably related to subject protection or other valid in-

stitutional concerns. Beyond a right to nonarbitrary action, the courts repeatedly emphasize the flexible or contextually relative nature of due process, finding different elements required in the particular circumstances of different decision-making contexts. However, the minimum required in any context is "some kind of notice and some kind of hearing"—notice that adverse action may be taken and its basis, and a chance to respond before a deprivation occurs.(*16*)

In the ordinary case of initial or continuing review, it should be constitutionally adequate if an IRB that plans to disapprove or require modifications in research informs the investigator of this possibility, with reasons, and of the opportunity to request reconsideration and personally appear before the IRB at its next meeting. In fact a recent case involving academic dismissal from medical school(*17*) suggests that as long as the investigator has had the opportunity to present a written response to the IRB's decision, no formal hearing may be required. Such procedural safeguards as a right to counsel, cross-examination of adverse witnesses, burden of proof, and other elements of due process might be required in particular cases where an institution is imposing sanctions for unethical conduct or noncompliance with IRB conditions, but they probably are not required of IRBs in the ordinary course of initial and continuing review. Nothing, of course, prevents an institution or DHEW from requiring the IRB to extend procedural safeguards beyond the legal minimum. Due Process has never been held to include a right to appeal from an adverse governmental decision, civil or criminal.

Tort Liability. IRB members may be personally liable to subjects and investigators for "malpractice" or negligence in discharging their IRB functions. At the present time, few IRB members have been sued, though members of other medical peer review committees occasionally have been.(*18*) However, the possibility may affect the recruitment of IRB members, the scope of review, and the need to develop other systems of accountability.

On the principle that one who undertakes to protect others must act responsibly, IRB members could be liable if they did not exercise reasonable care in carrying out review. This might occur if their approval led to a research activity and injuries that would not have occurred if a reasonable person, confronted with the same information, would have placed conditions on the research that would have prevented the injury. Thus, an injured subject could allege negligence by IRB members in assessing the risks and benefits of proposed research, or in approving consent procedures not reasonably likely to assure legally effective consent. Negligence may also exist if continuing review of research is so perfunctory that subjects suffer preventable injuries or if the IRB knowingly permits evasion or noncompliance with the review process.

An investigator may also sue individual IRB members for negligent or malicious review that damages the investigator's legally protected interests. For example, if an investigator lost a research grant or otherwise suffered damages as a result of IRB decisions not taken in good faith, in timely fashion or with reasonable care, the investigator could claim tortious interference with business or contractural relations, though recovery would probably depend upon establishing malice or gross negligence. An investigator might also claim defamation against persons reporting incorrect information about his or her qualifications or conduct of research to an IRB, or against IRB members who convey such information to other IRB members.

In all these situations the law will probably hold IRB members to a standard of due care in assessing the risks, benefits and procedures for protecting the rights and welfare of subjects and interests of investigators. If failure to exercise due care in reviewing or monitoring research is causally related to a subject's or an investigator's injuries, then personal liability may be found. An IRB member will, of course, have the ordinary defenses of lack of negligence and causation. If the use of ordinary, reasonable care in decision-making can be established, there would be no liability. Even a lack of ordinary care will not lead to liability unless the plaintiff can establish that it proximately caused the injury; if the injury would have occurred even though the IRB had taken proper action, there is no liability. In jurisdictions where the doctrines of sovereign or charitable immunity protect the institution from the liability for actions of its IRB, IRB members could escape personal liability if they were deemed to be working as institutional officers in their IRB roles.

In some states IRB members may also have a defense based on statutes(*19*) that provide immunity for the decisions of medical peer review committees. These statutes were enacted to encourage thorough peer review by protecting members from suit. While they do not appear intended to include IRBs, their language in some instances may be broad enough to justify an argument that IRBs functioning as official hospital or medical staff committees are covered. But even if IRBs functioning in hospitals were held to be within such statutes, the immunity conferred may have little significance. Nonhospital based IRBs (the vast majority), and in many cases lay members of such committees, are not covered. Moreover, they generally provide immunity only against strict liability and may offer little protection against suits based on negligence. While it is conceivable that some courts would apply these statutes to claims of negligence against IRB members, the limited scope of protection they provide and the uncertainty of their coverage suggest that they will have little impact on the potential liability of IRB members.

In most jurisdictions, an IRB member or other person sued by an investigator for defamation may also have a defense of qualified privilege for statements made to the IRB in good faith without malice.(*20*) Since the purpose of the privilege is to encourage socially useful information, it would probably apply to statements relevant to the IRB's function of protection subjects. A qualified privilege may also be established by having the investigator agree as a condition of employment to waive any claim against persons who provide the IRB information about the investigator's qualifications or conduct of research, a procedure often used in applications for hospital staff privileges.(*21*)

Although liability for negligent IRB activities may be justified as a means to encourage IRB members to act responsibly, the possibility of liability may pose problems. While suits by investigators or subjects against IRBs have been extremely rare, some people may not serve on an IRB if they know that they risk suit. This fear could be minimized if institutions insured IRB members against liability. Where institutional employee status is necessary for insurance coverage, nonemployee IRB members, such as community members, could be made employees or agents of the institution for that purpose (this would not change their community status for purposes of meeting the DHEW membership requirements).(*22*) Since insurance against personal liability should eliminate reluctance to serve on IRBs, it may be unnecessary to provide immunity from all suits.

Compliance with IRB review requirements could possibly affect the tort liability of investigators who injure subjects in research that is unreviewed or not in compliance with IRB restrictions. In negligence *per se* jurisdictions, violation of IRB rules could be taken as evidence of negligence. In other jurisdictions, the widespread use of IRBs in the research community may create a standard of care for the conduct of all research. In both cases an injured subject would have to establish causation—that IRB

review would have averted the injury of lead to a different decision on consent.

Compliance with IRB review and approval conditions, however, will not necessarily shield researchers from liability. Approved procedures may be negligently carried out. In addition, while IRB approval may indicate whether research itself, in light of risks to subjects, is negligent, it would not foreclose a subject's claim that both the IRB and research have been negligent in reviewing and conducting the research at all. Nor is an IRB's view of adequate disclosure in the consent process determinative if state law requires more complete disclosure.

Public Access to IRB Meetings. Institutions vary in the openness of their IRB meetings. Although federal open meeting laws are not applicable, IRBs functioning in state, county or municipal institutions may not be legally free to decide whether their meetings shall be open or closed. State "sunshine" laws may require public access to IRB meetings, since IRBs may be considered public or governmental bodies within these statutes.(*23*) They are created by and function as instrumentalities of public institutions, such as state universities and hospitals, to which open meeting laws clearly apply. As subunits of governmental agencies, these IRBs would appear to be covered in some states. Whether they qualify depends on the wording of particular statutes and how courts confronted with the question will interpret them.

An IRB that is covered by a state open-meeting law must provide access to meetings to all members of the public, including investigators, subjects, subject representatives, and the press. As a corollary, the IRB must also give prior public notice of the time and place of its meetings. However, IRBs may generally hold closed sessions for certain matters, usually of a disciplinary or personnel nature.(*24*) An IRB, for example, could meet in executive session to decide whether to hire a particular staff person, recommend new members, or discuss an investigation or disciplinary action against a particular investigator. There might also be an exception if open consideration of a protocol involved discussion of the investigator's competence or jeopardized proprietary or patent interests.

Retention and Confidentiality of IRB Records. IRB review of research generates a variety of documents, including research protocols, consent forms, conditions of approval, requests for reapproval or changes in protocols, reports of adverse effects and continuing review, minutes of meetings, correspondence with investigators, and the like. Section 46.119(a) of the DHEW regulations requires retention of "copies of all documents presented or required for initial and continuing review" by the IRB. State laws requiring maintenance and retention of patient records for varying lenghts of time are not applicable to IRB records, even when the IRB functions in a hospital or medical school, for these laws pertain only to the patient's medical record and not the the records of hospital governance or peer review committees. (*25*) Thus, research activities carried out on hospital patients must be made part of the patient's chart and retained in this form as long as hospital records in that jurisdiction are retained.

In general, IRB records are not confidential unless they identify individual subjects who are patients; however, § 46.119(b) of the DHEW regulations prohibits disclosure of IRB records that identify particular subjects. Beyond these limitations, the institution of IRB may choose to make IRB records available to the public, the press or other investigators, except possibly where researchers could claim a confidential relation.(*26*) A more common practice is for institutions to treat IRB records as nonpublic documents. However, an institution's authority to withhold IRB records may be limited. IRBs in public institutions may, under open meeting and public records statutes, be required to make their records available, even though federal policy may permit the same protocol to be withheld until a project is funded.(*27*) Open-meeting laws generally require public access to the minutes of meetings as well as the meetings themselves. It is unclear, however, whether access to the minutes includes access to all written materials provided to IRB members, such as protocols and reports of monitoring, or merely the record of formal votes.

Whether or not a public IRB is covered by a state open meeting law, it may have an obligation to disclose protocols and other IRB materials under public records or state freedom of information statutes, which are often different in origin and coverage than sunshine laws. An IRB might not be a "state agency" or "governing body" for open meeting purposes, but may be a "public agency" or "local agency" for public records laws. If covered by these statutes, the IRB would also probably have to disclose protocols and other reports used or recieved by an IRB in the course of its business. While some "public records" may be exempted from disclosure if they meet statutory exemptions, as might occur with IRB monitoring of particular investigators or if patent or proprietary rights would be threatened, protocols of proposed research will probably not fit those exceptions and would have to be revealed.

Records of IRBs located in both public and private institutions may be subpoenaed in suits brought by subjects against investigators or by injured research subject who is suing the investigator (but not the IRB) would be able to discover and admit into evidence IRB records pertaining to conditions or restrictions which the IRB placed on proposed research. If the material sought from the IRB concerns its evaluation or assessment of how an investigator has carried out authorized research, however, the records probably would be held to be privileged.(*28*) Most states exempt such records from disclosure in order to encourage full and candid discussion of activities reviewed, a privilege likely to extend to IRB records as well.

FOOTNOTES

1. 42 U.S.C. 289L-3(a). The regulations now contained in 45 CFR Part 46 were first issued on May 30, 1974, 39 FR 18917, before passage of the act, and have been supplemented with provisions for research with pregnant women and fetuses. 45 CFR § 46.201-46.211. 40 FR 33528, August 8, 1975.

2. *See, e.g.*, 45 CFR 46.101(a), 46.102(a), 46.105(2).

3. For a discussion of this question and the Buckley Amendment, *see* Comment, "The Federal Conditional Spending Power: A Search for Limits," 70 *Northwest L. Rev.* 293, 310-321 (1975). It has also been raised in connection with Title IX of the Education Amendments of 1972, 20 U.S.C. 1232g.

4. *Id.* at 298-302. *See also United States v. Butler*, 297 U.S. 1 (1936); *Steward Machine Co. v. Davis*, 301 U.S. 548 (1937).

5. It might undermine that goal if review of nonfederally funded research was so time-consuming that the IRB could not give proper attention to federally funded research. Or the hostility engendered in investigators by such a requirement could undermine the efficacy of review of DHEW-funded research.

6. Since the facilities, devices, and even ideas used in non-funded research may have at some point been in interstate commerce, and the results of the research, if published or disseminated to others, might enter commerce, an alternative basis for upholding Section 212(a) would be as an exercise of the commerce power. (This justification would not apply if an investigator or institution could show that nonfederally funded research had no contact at all with interstate commerce.) Given the judicial tendency to interpret broadly interstate commerce, it would be difficult to show that the regulation did not affect interstate commerce. *See, e.g., Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241 (1964); *Fry v. United States*, 421 U.S. 542 (1975).

7. *See* Robertson, "The Scientists' Right to Research: A 'Constitutional Analysis,'" *Univ. So. Calif. L. Rev.* (1978) (in press).

8. *United States v. O'Brien*, 391 U.S. 367 (1968).

9. *See generally, Schenck v. United States*, 249 U.S. 47 (1919); *Brandenburg v. Ohio*, 395 U.S. 444 (1969).

10. *Stewart Machine Co. v. Davis*, 301 U.S. 548 (1937); *Maryland Public Interest Re-*

search v. Elkins, 565 F.2d 864 (4th Cir. 1978).

45 CFR 46.104(b).

Board of Regents v. Roth, 408 U.S. 564 (1972); *Goldberg v. Kelley*, 397 U.S. 254 (1970); *Goss v. Lopez*, 419 U.S. 565 (1975). *See also, Board of Regents v. Horowitz*, 98 S.Ct. 948 (1978).

13. Unless there were a sufficient nexus between the state and the private entity to constitute state action under recent Supreme Court decisions. *See Moose Lodge No. 1070 v. Irvis*, 407 U.S. 163 (1972); *Jackson v. Metropolitan Edison Co.*, 419 *U.S. 345 (1975)*.

14. Otherwise the state could eliminate all procedural due process protections in hiring and other contexts by making waiver of due process a condition of the grant or benefit. *See Arnett v. Kennedy*, 416 U.S. 134 (1974); *Bishop v. Wood*, 426 U.S. 341 (1976).

15. *See, e.g., Greisman v. Newcomb Memorial Hospital*, 192 A.2d 817 (N.J., 1963).

16. *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Dixon v. Love*, 428 U.S. 406 (1977); Mashaw, "The Supreme Court's Due Process Calculus for Administrative Adjudicating in *Mathews v. Eldridge:* Three Factors in Search of a Theory," 44 *U. Chi. L. Rev.* 28 (1976).

17. *Board of Curators v. Horowitz*, 98 S.Ct. 948 (1978). *See also Mathews v. Eldridge*, 424 U.S. 319 (1976), in which a personal hearing prior to termination of social security disability benefits was not required. The value of that additional protection, given the narrowness of the issue and the opprotunity of the applicant to present his case in writing, was held not to justify the cost of providing the hearing.

18. *See, e.g., Purcell v. Zimbelman*, 500 P.2d 335 (Ariz. (1972). The chairman of the University of Maryland Medical School's IRB has been sued for approving research projects with jail inmates that did not provide for adequate informed consent. *Baily v. Mandel*, Civil Action No. K-74-110 (D.C. Md. 1974). *See also Nielsen v. Regents of the University of California*, Civil No. 665-049 (Superior Court of California, County of San Francisco, filed September 11, 1973), where an IRB member sued other IRB members to enjoin them from "approving, aiding, or abetting" a research project involving children.

19. For a general account of these statutes, *see* Reed Hall, "Hospital Committee Proceedings and Reports: Their Legal Status," 1 *Amer. J. Law and Med.* 245 (1975).

20 *Id.* at 254-258 and cases cited.

21. The standard disclaimer in many applications for hospital privileges is most likely immune from attack as unconscionable. *See* Hall, note 19 *supra; cf. Tunkl v. Regents of University of California*, 60 Cal.2d 92, 383 P.2d 441 (1963).

22. 45 CFR 46.106(b)(2).

23. *See generally*, D. Wickman, "Let the Sun Shine In," 68 *Northwestern L. Rev.* 480 (1973); *McLarty v. Board of Regents*, 200 S.E.2d 118 (Ga. 1973); *Cathcart v. Anderson*, 630 P.2d 313 (Wash. 1975).

24. *See generally*, Wickman, note 23 *supra* at 483-486. Not all state statutes provide for exceptions. *See, e.g.*, Fla. Stat. § 286.011 (1975).

25. Aspen Systems Corporation, *Hospital Law Manual*, pp. 2-5, 1977. Since an exhaustive survey of hospital record requirements in every state has not been made and individual states might now or in the future require retention of hospital peer review committee records, individual hospital-based IRBs should consult regulations applicable to them.

26. It is not clear whether under state law such a right would exist.

27. *See* National Commission for the Protection of Human Subjects, *Disclosure of Research Information Under the Freedom of Information Act*, DHEW Publication No. (OS) 77-0003, April 1977, pp. 7-15.

28. *See generally* on immunity of hospital committee records from discovery and admissibility, Hall, note 19 *supra;* Jacobs *et al.*, "Objection Overruled: The Fear That Quality Review Documents are Discoverable or Admissible in Court is Unfounded," *Quality Review Bulletin*, Jan./Feb. 1976, p. 28; *Bredice v. Doctors' Hospital, Inc.*, 50 F.R.D. (D.C. 1970).

Chapter 4, Federal Policies for the Protection of Human Subjects

Introduction. A survey of the policies, regulations, etc. for the protection of human research subjects at the various departments and agencies of the Federal government was conducted by the Commission's staff in 1975 and updated at the end of 1977. In the first phase, 61 federal departments and agencies* were queried to determine whether they conduct or support research involving human subjects and, if so, what policies or regulations are in force to protect the subjects. Twenty departments and agencies other than DHEW reported that they conduct or support research involving human subjects.** Four of these have components that operate under their own policies for the protection of human subjects, and, accordingly, the survey reports on 28 federal entities that conduct or support research involving human subjects outside the regulatory authority of DHEW.

As a result of the update, in which agencies were given the opportunity to comment on summaries of their original responses and to provide any revised materials, it is believed that the survey covers all federal policies and regulations for the protection of human research subjects in effect on January 1, 1978.

Summary. It is clear that DHEW has been preeminent in the area of protection of human subjects of research. Almost all the other agencies that have formal policies or regulations governing such research follow (to a greater or lesser extent) the standards and procedures of DHEW; roughly half of these agencies impose additional requirements. The degree to which the other federal agencies monitor implementation and compliance varies, however; and nine agencies conducting or supporting research with human subjects have no formal policies to assure the protection of human subjects. Thus, the degree of protection afforded subjects of federally funded research varies from nonexistent to standards that exceed those imposed by DHEW. The norm, however, is substantial conformity with present DHEW regulations.

Of the 19 federal entities other than DHEW that have formal policies or regulations governing research with human subjects, 17 adopt DHEW standards and procedures to a substantial degree, and most of these cite DHEW regulations or policy as a reference. Among these 17 are four that follow DHEW regulations strictly, eight that follow DHEW regulations but impose some additional requirements (regarding composition of review boards, standards of review, or provisions for selection of subjects or informed consent) and five that have policies similar to those of DHEW without adopting DHEW regulations specifically and in their entirety. In a few instances, there is a different standard for triggering the provisions of the regulations.

Approximately one-third of the government entities that support or conduct research with human subjects have no formal policies or procedures to protect such subjects; however, most of the research supported by those agencies consists of questionnaires and surveys (activities about which there is presently no uniform understanding with respect to the nature and extent of protective mechanisms that should be applied). Only two agencies—the Law Enforcement Assistance Administration (LEAA) and the Department of Housing and Urban Development (HUD)—support research involving active intervention in the lives or behavior of subjects and have no formal policies or procedures for reviewing the ethical acceptability of such research or for assuring the adequacy of informed consent.

Findings. Twenty federal departments or agencies, other than DHEW, reported that they conduct or support biomedical or behavioral research with human subjects. Four of these (the departments of Commerce, Defense, Justice and Transportation) have separate subsidiary components that operate under their own policies or regulations for the protection of human subjects. Thus, there are a total of 28 federal entities that regulate the conduct or support of research with human

*Of the 77 federal agencies listed in the *U.S. Government Manual*, 16 were excluded as highly unlikely to conduct or support research with human subjects. Such agencies included, for example, the Federal Property Council, the American Revolution Bicentennial Commission, the Farm Credit Administration, and the Overseas Private Investment Corporation.

**In 1975, 21 agencies reported that they conduct or support research with human subjects; however, two of these were subsequently combined in the Department of Energy, reducing the number of agencies that conduct such research to 20.

subjects outside the authority of DHEW.

Of the 28 federal entities, nine have no formal policies or regulations for the protection of human subjects. Three of these are within the Department of Transportation, which is in the process of developing departmental regulations in this area. Four others are involved primarily in survey research entailing no intervention in the lives or activities of the subjects: the Civil Service Commission, the Commission on Civil Rights, the Internal Revenue Service and the United States Information Agency. Although their activities fall within the Commission's definition of research with human subjects, it should be noted that data gathering, in and of itself, has not universally been considered "research with human subjects." Since the Privacy Act of 1974 sets forth conditions for maintaining confidentiality of data and the Office of Management and Budget reviews the appropriateness of all questionnaires sent out by federal agencies, there would appear to be minimal risk presented to respondents of such surveys. Real concern is raised only with respect to the remaining two agencies that lack formal policies, LEAA and HUD. Both of these agencies support behavioral or social research involving systematic changes or interventions in people's lives for the purpose of determining the effects of an intervention or comparing the effects of one intervention with those of another. This clearly constitutes research with human subjects. LEAA states on the record that it does support behavioral research involving human subjects***; HUD states that it does not. This problem is explored more fully, below.

Three departments have review procedures designed to assure technological soundness of the research and safety of the subjects, but have no review of ethical acceptability of research *per se*. The National Oceanic and Atmospheric Administration and the Federal Aviation Administration require technical review, safety provisions, fitness standards and medical supervision.(*1*) Similarly, although the Navy adopts DHEW standards and procedures for its intramural research, it requires of contractors only that they make adequate safety provisions and conform to the ethical standards of the American Medical Association.(*2*)

Five agencies have formal policies or regulations that are substantially similar to, but not entirely consistent with, those of DHEW. For example, the Bureau of Prisons requires local review by a board composed of two prison officials, a research analyst, a psychologist, an inmate, a representative of the employees union and a representative of the community. Although the consent provisions adopted by the Bureau are those of DHEW, the review standards differ. Proposals are reviewed for relevance to the mission of the Bureau, potential benefits to mankind, professional standing of the investigator, and assurance that the research will not adversely affect ongoing programs. The Bureau also requires all research involving inmates to be approved by the Director of Prisons, and it absolutely prohibits medical experimentation and drug testing. The Bureau is "guided by" the Nuremberg Code and states that it relies on the investigators to protect the rights and lives of subjects. (*3*) Similarly, the National Aeronautics and Space Administration (NASA) adopts the review standards and consent provisions of DHEW, but the IRBs that review research consist entirely of NASA personnel, primarily staff physicians and scientists. In one research center, a representative from the office of general counsel is also included; in the other research center, a personnel officer is included. Following review by the IRB, all research proposals must receive the approval of the installation's medical officer, general counsel and safety officer before being forwarded to the director of the installation for final review and approval. (*4*) Other agencies that follow DHEW standards or procedures with some variation include: the clinical investigation program of the Air Force, the Bureau of Standards, and the Agency for International Development.

Four agencies adopt DHEW regulations by reference, with no additions or modifications: The Consumer Product Safety Commission, the Department of Energy, the National Academy of Sciences, and the National Science Foundation. Eight agencies adopt DHEW provisions br reference but add various other provisions relating to applicability, IRB composition, review standards, consent procedures and selection of subjects. For example, the Environmental Protection Agency (EPA) exempts from its regulations opinion polls and questionnaires, projects involving merely collection of blood, urine, mothers' milk or nonviable fetal tissue, and medical observations that are not preceded by purposeful exposure to chemcials or environmental conditions under investigation. (EPA is developing a different set of regulations to govern such activities.) EPA also prohibits testing for possible carcinogenic effects on human subjects.

With regard to IRB composition, the Army and the Air Force require that the IRB include a lawyer and a clergyman; the Air Force adds that there should be three lay members of the IRB but that the chairman should be a physician. The draft Intelligence Community Directive contains the provision that no more than one-half of the members of an IRB may be members of the Intelligence Community.

Some agencies impose review standards additional to those of DHEW, including: prior animal studies, use of minimal number of subjects and avoidance of unnecessary physical and mental discomfort (Army, Navy and Air Force); performance of adequate physical and psychological examinations before, during and after participation in research, and provision of compensation that will be commensurate with the risk involved but not so excessive as to constitute undue inducement (National Highway Traffic Safety Administration). With respect to informed consent, the Army, Navy and Air Force require the consent procedure to be witnessed in all cases, and the Red Cross requires investigators to inform subjects of any abnormalities discovered during the conduct of the research but to keep such information confidential unless specifically released from that requirement by the donor (subject) or the donor's legal representative. The Army, Navy and Air Force also have special consent provisions for children and the mentally disabled.

In addition, the Department of Agriculture requires that selection of subjects be made without regard to sex, race, color, religion or national origin unless these characteristics are factors to be studied, and it specifically excludes pregnant and lactating women from studies involving food additives or chemicals not recognized as safe by the Food and Drug Administration (FDA), EPA or the Animal and Plant Health Inspection Service. Similarly, the Army and Navy (but not the Air Force clinical investigation program) exclude prisoners from participation in research; the Navy also excludes the institutionalized mentally infirm. The Air Force aerospace research program excludes children, prisoners, the mentally incompetent and females (unless there is resonable assurance that there is no concomitant pregnancy and methods adopted for contraception assure against increased risk).

Miscellaneous provisions include requirements that investigators conform to the provisions of the Privacy Act of 1974 and, in some instances, that such fact be disclosed on the consent form. Several agencies require debriefing fol-

***LEAA specifically prohibits the use of its funds for biomedical research except for projects generally recognized and accepted as not involving physical or psychological risk to subjects, and specifically approved by the Office of Administration after consultation with DHEW.

lowing research involving incomplete disclosure, the Veterans Administration provides a mechanism for appeal from an IRB's decision, and the Army, Navy and Air Force specifically provide for treatment of injuries arising as a consequence of participation in research. Finally, a number of agencies specifically apply their regulations to research conducted outside the United States and require that such research conform, in addition, to the legal and ethical standards of the country in which the research will be conducted.

Problems Identified. As the preceding discussion makes clear, the protection of human subjects in federally funded research is far from uniform despite the great number of agencies that substantially follow the standards and procedures of DHEW. The extent of protection ranges from nonexistent to a plethora of requirments imposed in addition to those of DHEW regulations. Just as the lack of formal policies and regulations is a serious problem, so too is the confusion that may result from the many variations presented by agencies that have imposed manifestly reasonable but diverse additions or modifications to the DHEW standards. An IRB that reviews projects funded by different agencies must face the difficult task of satisfying multiple (and perhaps incompatible) requirements regarding applicability of the regulations, IRB composition, review standards, consent procedures, selection of subjects and so forth. To do so requires referral to the funding agency's particular provisions after first identifying the source of support for each proposed project. The administrative burden imposed thereby can be immense; and the problem is compounded by the fact that some projects receive support from two or more federal agencies.

Another problem arises from the lack of a uniform definition of "research with human subjects." Thus, when federal agencies conduct or support social experimentation, they may not consider it necessary to apply procedures for the protection of human subjects. For example, HUD submitted a number of printed materials to the Commission describing its housing allowance "experiments" in which subjects are selected according to predetermined criteria, assigned to different "treatment groups" according to the research "design," and followed for a period of years through periodic interviews and inspections to determine the different effects on the recipients' behavior of the various housing allowance schemes under study. (*5*) Nevertheless, despite the fact that HUD describes the "experiments" in terms of a systematic intervention into people's lives in order to gather data by which to answer specific questions, the department stated in response to the Commission's inquiry that HUD has "never sponsored any human subject or biomedical studies." (*6*)

Similarly, in 1975 Medicaid recipients successfully challenged an experiment (supported by DHEW) designed to assess the effects of requiring a copayment for medical care, on the grounds that it had not been reviewed by an IRB (*Crane v. Mathews* (*7*)). The Secretary of Health, Education, and Welfare argued that the project was not "research with human subjects" and that therefore the review requirements were not applicable. the court disagreed and stopped the project pending review and approval by an IRB.*

These examples suggest that the term "research with human subjects" is not uniformly understood. A uniform definition would be helpful to Federal agencies that may be unsure as to whether certain programs which they support fall within the category of activities to which procedures for the protection of human subjects should apply.

Another problem is the lack of central coordination of research activities in some departments, and the absence of high-level staff sufficiently knowledgeable to supervise the protection of human subjects in projects conducted or supported by various components of the department. For example, EPA reported in 1975 that "it is the policy of the Environmental Protection Agency to comply fully with the policies and practices established by the Department of Health, Education, and Welfare to protect human subjects in our research program." (*9*) This statement, however, apparently referred only to research conducted under the auspices of EPA's Environmental Research Center at Research Triangle Park, North Carolina. It appears that other components of EPA also supported research involving human subjects, but without the constraints imposed upon the research conducted at Triangle Park. It was recently revealed (*10*) that a contract with a Mexican gynecological hospital to study the effects of ingesting a massive amount of fungicide narrowly missed being put into effect. The original plan had been to conduct the tests in the U.S., but the IRB that reviewed the protocol found the risks excessive. It was reported that EPA staff therefore agreed with the contractor to conduct the tests in a Mexican gynecological hospital, but a fortuitous review prevented approval of the contract. EPA has since forbidden the testing of carcinogens on human subjects under its auspices and has required that all future EPA research comply with DHEW regulations for the protection of human subjects. (*11*)

Similarly, although DHEW regulations "are applicable to all Department of Health, Education, and Welfare grants and contracts supporting research, development, and related activities in which human subjects are involved," (*12*) implementation of the regulations is not uniform within the Department. For example, the Education Division (which includes the National Institute of Education (NIE), the Office of Education (OE) and the National Center for Education Statistics) takes the position that it is not subject to the Department's regulations because it has statutory authority to write its own regulations. (*13*) Therefore, present NIE and OE regulations require that research conducted or supported by the components of the Education Division comply with the DHEW *Grants Administration Manual* Chapter 1-40 and the DHEW Procurement Rules. (*14*) These both require IRB review only when the investigator determines that the research subjects will be at risk (as was the case in earlier DHEW policy). The Center for Disease Control (CDC) also follows the old Institutional Guide to DHEW Policy, in which IRB review is not triggered unless the investigator determines that the subjects of his or her research will be at risk. (The Commission has been advised that CDC's policies will be updated "in the near future" to incorporate the provisions of current DHEW regulations and the Commission's recommendations on research involving children. (*15*)

The regulations of FDA governing research regulated by that agency in the course of approving applications for new drug investigations and licensing, differ from the regulations governing research supported by DHEW in that IRB review is required by FDA only when the subjects of the research are institutionalized, or when the investigator already is "affiliated with an institution which agrees to assume responsibility for the study." (*16*) Investigators lacking such affiliation apparently may conduct research with human subjects without such review. (The Commission has been informed that FDA is drafting proposed regulations that would extend the requirement for IRB review to all human experimentation under its regulatory jurisdiction, thus conforming to regu-

* An IRB subsequently reviewed the project and determined that the subjects would be at risk of physical harm as a result of being required to pay for necessary medical care. The IRB further determined that the benefits of the proposed research did not outweigh the risks and that the research design was "so seriously inadequate that it would be very unlikely to provide any accurate or reliable information upon which to base policy decisions regarding Medicaid copayments." It therefore disapproved the project.

lations governing research conducted or supported by DHEW.) FDA regulations also permit a waiver of the consent requirement if the investigators "deem it not feasible or in their professional judgment contrary to the best interests" of the subjects. (*17*) This is explained as applying to cases in which (1) the communication of information to obtain consent would seriously affect the patient's well-being or (2) the patient is in a coma or is otherwise incapable of giving consent, his representative cannot be reached, and it is imperative to administer a drug without delay. (*18*)

In summary, most of the departments and agencies of the federal government that have formal policies or regulations governing research with human subjects follow the standards and procedures of DHEW, at least to some extent. However, the nature and extent of the deviations from the DHEW regulations are such that the protection of human subjects in federally funded research is far from uniform, and the administrative burden of implementing diverse sets of standards is unnecessarily great. Further, some agencies have no policies or regulations governing such research because, in large measure, there is confusion regarding the kinds of activities to which such regulations should apply.

FOOTNOTES

1. National Oceanic and Atmospheric Administration, Department of Commerce, NOAA Diving Regulations, *NOAA Diving Manual*, Appendix C, U.S. Government Printing Office, Washington, D.C., 1975; Federal Aviation Administration Order 9950.3A (December 6, 1974).

2. Office of Naval Research, Code 600 Memorandum No. 97A (27 March 1974).

3. Bureau of Prisons, Draft revision of October 1967 Policy Statement 6110.1, to be published in Spring 1978; Policy Statement 3700.3 (June 10, 1977).

4. NASA, Management Instruction 7100.8 (February 2, 1972); Ames Management Manual 7170-1 (as revised March 19, 1969); Ames Memorandum 74/200 (December 11, 1974); Johnson Space Center Management Instruction 7100.8A (March 29, 1977).

5. Department of Housing and Urban Development, *The Experimental Housing Allowance Program* (1974); *Second Annual Report of the Experimental Housing Allowance Program* (1974); and *Experimental Housing Allowance Program: Initial Impressions and Findings* (1975).

6. Letter (Nov. 18, 1977) to the Commission's Staff Director from Patricia M. Worthy, Deputy Assistant Secretary for Regulatory Functions, Department of Housing and Urban Development.

7. 417 F. Supp. 532 (N.D. Ga. 1976).

8. Clarification Statement Regarding the Georgia Department of Human Resources Human Research Review Board's Review of the Proposal Entitled "Recipient Cost-Participation in Medicaid Reform," Russell J. Bent, Chair.

9. Letter (Oct. 20, 1975) from Roy E. Albert, M.D., Acting Deputy Assistant Administrator for Health and Ecological Affairs, Environmental Protection Agency.

10. Bob Wyrick, "EPA Officials Devised Cancer Tests on People," *Washington Post*, June 22, 1977.

11. Environmental Protection Agency, Order 1000.17, October 25, 1977.

12. 45 CFR 46.101.

13. General Education Provisions Act, 20 U.S.C. 1221e(3).

14. 45 CFR 100a.263; 45 CFR Part 1400.

15. Letter (Feb. 6, 1976) from David J. Sencer, M.D., then Director, CDC; telephone communication (Nov. 14, 1977) from Bruce Dull, M.D., Assistant Director of Program, CDC.

16. 21 CFR 312.1(a)(2) 10C; FDA *Compliance Program Guidance Manual*, transmittal 77-39, March 15, 1977.

17. 21 CFR 310.102(a).

18. *Id.*, subsections (f) and (g).

[FR Doc. 78-33292 Filed 11-29-78; 8:45 am]

federal register

THURSDAY, NOVEMBER 30, 1978
PART IV

ENVIRONMENTAL PROTECTION AGENCY

■

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS—CLEAN WATER ACT

Allotment of Fiscal Years 1978–1979 Appropriation

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 1014-8]

PART 35—STATE AND LOCAL ASSISTANCE

Subpart E—Grants for Construction of Treatment Works—Clean Water Act

ALLOTMENT OF FISCAL YEARS 1978—1979 APPROPRIATION

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This amendment to the construction grant regulations published on September 27, 1978 (43 FR 44022), allots to the States the $4.2 billion appropriated for fiscal year 1979 by Pub. L. 95-392 for the municipal wastewater treatment works construction grant program. The conference report on the Appropriations Act indicates Congress intended EPA to implement Section 205(e) of the Clean Water Act (the Act), which establishes a one-half of one percent allotment floor for all States except American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands. We have based this allotment on that provision. This amendment also provides an allotment for the Northern Mariana Islands as authorized in Section 502 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands (Pub. L. 94-241).

DATES: This rule is effective November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold P. Cahill, Director, Municipal Construction Division (WH-547), Environmental Protection Agency, Room 1219 East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460, phone 202-426-8986.

SUPPLEMENTARY INFORMATION:

Allotment and implementation of Section 205(e) for Fiscal Year 1979. As required under Section 205(c) of the Clean Water Act, on January 10, 1978, EPA allotted authorizations under Section 207 of the Act for construction grants for Fiscal Years 1978 through 1981. The amounts allotted are shown in § 35.910-8. Under Section 207 of the Act, all such authorizations are subject to the amounts actually appropriated. In Title II of the Independent Agencies Appropriation Act of 1979 (Pub. L. 95-392, September 30, 1978), Congress appropriated $4.2 billion for Fiscal Year 1979. This amendment to the regulations establishes allotments based on the amount actually appropriated. The amendment reflects adjustments which were necessary to accommodate the requirements of Section 205(e) of the Act, discussed below.

The Clean Water Act contains two authorizations for construction grants: An overall authorization in Section 207 to cover allotments of funds among all the States under Section 205(c), and a specific additional authorization in Section 205(e) to provide an allotment floor of one-half of one percent for 12 States whose allotment ratios under Section 205(c) are less than that amount. The legislative history of the Appropriations Act indicates that Congress intended the $4.2 billion to cover provisions of Section 205(e) of the Act, as well as the allocations under Section 205(c).

Since both the 205(c) allotments and the 205(e) amounts must come from the single appropriation of $4.2 billion under the Appropriations Act, we determined that the only way to accomplish Congress' intent mathematically was to divide the single appropriation into an amount of $4,141,807,602 for basic allotments under Section 205(c), and an amount of $58,192,398 to meet the minimum allotments under Section 205(e). Those amounts are determined as follows:

1. Total amount necessary to implement 205(e) based on Clean Water Act authorization of $4,500,000,000: $63,225,000. This amount was determined by adding the differences between the 205(c) allotments and one-half of one percent of the 205(c) authorization for the 12 States with allotments of less than one-half of one percent.

($4.5 billion) (.005)=$22,500,000.

2. Relationship of total amount necessary to 205(c) authorization.

$$\frac{\$4,563,225,000}{\$4,500,000,000} = 1.01405$$

3. Since the total appropriation was less than $4,563,225,000 a base 205(e) amount must be determined. This can be done by dividing the $4.2 billion appropriated by 1.01405.

$$\frac{\$4,200,000,000}{1.01405}$$

$$= \$4,141,807,602 \text{ for } 205(c)$$

4. The balance is available for 205(e)

$$\begin{array}{r} \$4,200,000,000 \\ -4,141,807,602 \\ \hline 58,192,398 \end{array} \text{ for } 205(e)$$

Thus, no State will receive less than one-half of one percent of $4,141,807,602, or $20,709,000 (except for American Samoa, Guam, the Trust Territory of the Pacific Islands the Northern Mariana Islands, and the Virgin Islands, which are authorized a lower amount by law).

Allotment to Northern Mariana Islands. Pub. L. 94-241 established the Northern Mariana Islands (NMI), previously a part of the Trust Territory of the Pacific Islands (TTPI), as a separate Commonwealth of the United States. On January 9, 1978, NMI became eligible for a separate allotment for wastewater treatment construction grants. Since nine percent of the total need of the TTPI is for needs in the area that is now NMI, the TTPI allotment is divided between the NMI and TTPI on that basis. NMI is allotted $570,300 and TTPI is allotted $5,766,700.

Allotment of Fiscal Year 1978 Appropriation. Since the 1978 appropriation and allotments were the same as the authorizations in the Clean Water Act and § 35.910-8, EPA did not publish a separate regulation allotting the Fiscal Year 1978 funds. However, since we must publish an allotment regulation for 1979, the omission of a 1978 allotment regulation would leave a gap in the historical record of allotments. Therefore, we are also publishing a new § 35.910-9 which completes the record.

Effective Date. This rule allots the FY 1979 construction grant appropriation in accordance with the Appropriation Act and is essentially a technical amendment to the construction grant regulations. Therefore, notice and public comment is unnecessary, and good cause exists to make the regulation effective immediately.

Dated: November 28, 1978.

DOUGLAS M. COSTLE,
Administrator.

40 CFR Part 35 Subpart E is amended by adding new §§ 35.910-9 and 35.910-10 to read as follows:

§ 35.910-9 Allotment of Fiscal Year 1978 appropriation.

(a) Pub. L. 95-240 appropriated $4.5 billion. These allotments are available until expended but must be obligated by September 30, 1979. After that date unobligated balances will be reallotted

under Section 205(b) of the Act (see § 35.910-2(b)).

(b) These sums were allotted to the States as shown in § 35.910-8(b).

§ 35.910-10 Allotment of Fiscal Year 1979 appropriation.

(a) Title II of Pub. L. 95-392 appropriated $4.2 billion. These allotments are available until expended but must be obligated by September 30, 1980. After that date, unbligated balances will be reallotted under Section 205(b) of the Act (see § 35.910-2(b)).

(b) The allotments were computed by applying the percentages in § 35.910-8(a) and (b) to the funds appropriated for FY 1979 and rounding to the nearest hundred dollars.

(c) The $4.2 billion are allotted as follows:

State	Allotments from funds appropriated under Pub. L. 95-372
Alabama	$53,189,100
Alaska	20,709,000
Arizona	32,128,000
Arkansas	31,117,400
California	329,323,400
Colorado	38,050,800
Connecticut	45,858,100
Delaware	20,709,000
District of Columbia	20,709,000
Florida	158,904,600
Georgia	80,425,600
Hawaii	32,836,300
Idaho	20,709,000
Illinois	215,187,900
Indiana	114,637,000
Iowa	53,648,800
Kansas	36,460,300
Kentucky	60,545,000
Louisiana	52,290,300
Maine	31,042,900
Maryland	115,047,000
Massachusetts	122,357,300
Michigan	171,081,500
Minnesota	77,414,600
Mississippi	40,009,900
Missouri	103,367,100
Montana	20,709,000
Nebraska	22,800,700
Nevada	20,709,000
New Hampshire	36,489,300
New Jersey	147,924,700
New Mexico	20,709,000
New York	439,897,200
North Carolina	82,040,900
North Dakota	20,709,000
Ohio	267,788,600
Oklahoma	38,431,900
Oregon	53,735,800
Pennsylvania	180,649,100
Rhode Island	21,752,800
South Carolina	48,732,500
South Dakota	20,709,000
Tennessee	64,140,000
Texas	180,723,600
Utah	20,709,000
Vermont	20,709,000
Virginia	81,187,700
Washington	73,260,300
West Virginia	74,150,800
Wisconsin	80,777,700
Wyoming	20,709,000
American Samoa	2,551,400
Guam	3,081,500
Northern Mariana Islands	570,300
Puerto Rico	48,600,000
Trust Territory of Pacific	5,766,700
Virgin Islands	1,565,600
Total	4,200,000,000

[FR Doc. 78-33723 Filed 11-29-78; 9:16 am]

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