

Register Federal

THURSDAY, DECEMBER 8, 1977



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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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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.

[7535-01]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

Final Rule—Share Draft Programs

AGENCY: National Credit Union Administration.

ACTION: Final Rule.

SUMMARY: This regulation prescribes the requirements for the establishment and implementation of permanent share draft programs by Federal credit unions. A share draft program allows Federal credit union members to write drafts on their share accounts to obtain cash or to pay for goods or services. It eliminates the delay and inconvenience in making withdrawals by mail or in person.

EFFECTIVE DATE: February 6, 1978.

ADDRESS: National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT:

J. Leonard Skiles, Deputy General Counsel, at the above address, telephone 202-632-4870.

SUPPLEMENTARY INFORMATION: On February 28, 1977, this Administration published a proposed rule (42 FR

11247) which prescribed the requirements for the establishment and implementation of share draft programs for Federal credit unions. Public comment was invited to be received on or before May 2, 1977. A total of 47 comments was received.

On March 22, 1977, the public was notified that an Administrative Hearing would be convened on April 19, 1977, to receive testimony on the proposed rule (42 FR 15427). Over a two day period, 18 witnesses offered testimony.

On June 30, 1977, this Administration announced that the period for comments on the proposed rule would be extended until August 1, 1977. Consequently, two additional comments were received.

Upon review of the comments received and after a thorough reconsideration of the proposed rule, various changes, as set forth below, have been made. Additionally, many questions were raised that did not necessarily require an amendment to the proposed rule but did necessitate interpretative rulings. To the extent possible, this Administration has attempted to address those issues.

REPORT ON SHARE DRAFT PROGRAMS

The following chart reflects statistics on share draft programs for the third quarter of 1977, as compared to statistics for the second quarter of 1977 and for the previous year's third quarter. The information is based upon data furnished by Federal credit unions (FCU's) operating share draft programs.

	Sept. 30, 1976	June 30, 1977	Sept. 30, 1977
1. Number of FCU's approved for share draft programs.....	391	582	582
2. Number of FCU's with programs in operation.....	1,231	1,484	1,514
3. Number of share draft accounts.....	90,181	241,140	323,207
4. Aggregate amount of share draft accounts.....	\$88,557,178	\$244,527,045	\$316,409,137
5. Number of share drafts paid during the quarter.....	2,384,049	7,296,839	9,702,824
6. Amount of share drafts paid during the quarter.....	\$141,076,997	\$455,115,594	\$608,479,706
7. Number of overdrafts paid during the quarter (from other share account or loan plan).....	15,729	41,663	64,985
8. Amount of overdrafts paid during the quarter.....	\$2,187,583	\$5,371,797	\$7,976,304
9. Number of stop payments.....	1,375	4,722	5,912
10. Number of drafts dishonored during the quarter.....	16,086	44,954	73,083
11. Amount of drafts dishonored.....	\$931,874	\$3,142,237	\$4,866,829
12. Estimated cost to process each draft.....	\$156	\$179	\$199
13. Average number of drafts paid per account each month.....	8.87	10.09	10.09
14. Average amount of drafts paid.....	\$30.17	\$62.37	\$62.13
15. Average amount paid out of each share account per month.....	\$321.45	\$620.11	\$627.54
16. Average share balance per account.....	\$997.72	\$1,014.05	\$978.96

¹ 7 FCU's included in this total did not report statistical information.

² 17 FCU's included in this total did not report statistical information.

Of the Federal credit unions which commenced operation of a share draft program, only 1 terminated its program, based on cost considerations.

ANALYSIS OF COMMENTS

1. LEGALITY OF SHARE DRAFTS

The public was advised that the major issue involved in the promulgation of the proposed share draft regulation was

whether Federal credit unions can legally permit their members to make withdrawals of funds from a share account by means of a negotiable or nonnegotiable draft (42 FR 11248 and 33341).

Certain commenters contended that legal impediments exist to the promulgation of the proposed rule. They vigorously argued that the Federal Credit Union Act contains no grant of power

to Federal credit unions, expressly or by implication, to engage in the type of business envisioned by the proposed rule; that the share draft concept violates the purposes for which Federal credit unions are chartered, i.e., to promote thrift and create a source of credit; that, since there is no statutorily expressed power to authorize share drafts or a similar type third party payment concept, the incidental powers clause is inapplicable, i.e., share drafts are not "necessary or requisite" to enable Federal credit unions to carry out effectively the business for which they are incorporated; that to promulgate the proposed rule would (i) ignore the clear and expressed intent of Congress as set forth in the legislative history surrounding the enactment of the Federal Credit Union Act and the amendments thereto, and (ii) ignore other legislative endeavors and pronouncements by Congressional and credit union leaders concerning third party payment accounts; that the National Credit Union Administration cannot by means of a regulation create a power not heretofore granted by Congress; and that the National Credit Union Administration failed to comply with the Administrative Procedures Act when authorizing experimental share draft programs.

In making the above arguments, the commenters cited excerpts from the legislative history of the Federal Credit Union Act, examined and distinguished judicial precedents concerning third party payments, reviewed the express and incidental powers of Federal credit unions and compared them to similar powers of other financial institutions, and discussed in great detail Congressional mandates concerning third party payment powers. In all respects, the comments represent a thorough evaluation of the legal issues that had to be resolved before this Administration could proceed with the promulgation of the proposed rule.

At the time the proposed rule was published, this Administration had made the determination that share drafts were legal for Federal credit unions. Based on the comments received, however, that position was exhaustively reviewed. While many of the propositions espoused warrant careful deliberation, this Administration has determined that they are not persuasive. Accordingly, the following legal determinations have been made:

(1) The use of share drafts is not inconsistent with the purposes of Federal credit unions, including the express statutory purposes of promoting thrift and creating a source of credit;

(2) In the absence of an express prohibition, the common law authorizes any member of a credit union to draw a draft on his share account with the credit union;

(3) Neither the Federal Credit Union Act, the legislative history of the Federal Credit Union Act, nor the legislative history of Federal statutes governing other financial institutions demonstrate an intention on the part of Congress to prohibit the use by Federal credit unions of either share drafts or similar methods of withdrawal;

(4) The use of share drafts, as a method of withdrawal, is impliedly authorized under the Federal Credit Union Act as an exercise of the express powers to receive withdrawable shares and make contracts;

(5) The operation of a share draft program is a proper exercise of incidental powers under the Federal Credit Union Act;

(6) Balancing the relevant policy considerations and considering the Congressional mandate that the National Credit Union Administration be responsive to the needs of Federal credit unions, ambiguities, if any, must be resolved in favor of upholding a share draft program; and

(7) The National Credit Union Administration has complied with the requirements of the Administrative Procedures Act.

Providing impetus to the consideration of a withdrawal mechanism for credit unions was the advent of the Federal Government's direct deposit of recurring payments program. In 1972, Congress enacted Pub. L. 92-366 to permit the directing of Federal recurring payments to financial institutions, including credit unions, designated by individual payment recipients for credit to the individual's personal account. Upon enactment, the Department of the Treasury and the Social Security Administration commenced implementation of the direct deposit program. The purpose of the program is to improve service and provide greater security and convenience to government beneficiaries.

It was soon recognized that there was an inherent weakness in the credit union system: The lack of a convenient and practical mechanism for withdrawal of funds. In order to participate in the direct deposit program, i.e., to be designated by a payment beneficiary/credit union member, credit unions had to provide a method whereby the recipient could effectively, conveniently, and practically make use of the funds deposited. Withdrawal by means of personal appearance, telephone or mail would not meet the needs of a credit union member.

In addition to its responsibilities to credit unions and credit union members, the National Credit Union Administration, as a Federal agency, has a responsibility to assist in the implementation of a program which benefits not only the public, but also the efficacy of Government operations. Authorization of

share draft programs is consistent with the responsibilities of this Administration and, as we have determined, consistent with the powers contained in the Federal Credit Union Act and available under common law.

In fulfilling its statutory role of regulating and supervising Federal credit unions, this Administration must recognize its duties and responsibilities to the Congress. Although certain commenters did submit discussions of Congressional intent based upon the legislative history of the Federal Credit Union Act, and amendments thereto, to show that share drafts were not envisioned by the legislators, we find the opinions expressed to be, at best, inconclusive. In fact, recent Congressional consideration of amendments to the Federal Credit Union Act and amendments which would affect other financial institutions, manifest an implicit recognition of share draft authority. Consumer Financial Services Act of 1977, S. Rep. No. 95-407, 95th Cong., 1st Sess. 18 (1977). Nowhere do we find persuasive legislative history arguments supportive of the position that the Administration exceeded its authority in permitting share draft programs. On the contrary, we find the intention of Congress, when creating this Administration, to clearly reflect recognition of the necessity for responsive regulation to meet the needs of credit union members in an evolving socio-economic environment. This Administration finds no indication of Congressional intent to restrict the ability of credit union members to manage and utilize their funds either through withdrawal or payment mechanisms.

The Federal Credit Union Act defines a Federal credit union as "a cooperative association organized . . . for the purpose of promoting thrift among its members and creating a source of credit for provident and productive purposes." 12 U.S.C. 1752(1). While the definition accurately sets forth the primary purpose of Federal credit unions, to view the purpose based solely on this definition is to oversimplify the rationale expressed by the Congress and to ignore the remaining provisions of the Federal Credit Union Act which established the overall plan under which Federal credit unions operate.

The legislative history of the original Federal Credit Union Act indicates that Congress was concerned with the ability of individuals to manage their own financial resources. It is not denied that Federal credit unions were intended to provide a system for accumulating savings and meeting credit needs, but their operation extends to the opportunity for people to self-manage their savings. This Administration does not find the use of share drafts to be inconsistent with that concept.

Share draft programs can be viewed as promoting thrift and creating a source of credit in at least four ways. First, it encourages members to maintain a minimum balance in order to earn dividends, or conversely it dis-

courages spending. Second, by increasing the earnings of a Federal credit union, which can result in an increase in dividend rates or reduction in loan interest rates, it encourages increases in savings thereby providing more funds for provident loans. As an example, the general manager of a Federal credit union operating a share draft program testified that the program generated sufficient earnings to enable a loan interest refund of 26 percent in 1976. Third, as an additional service, it encourages more people to join and place funds in a Federal credit union again providing additional sources of credit. Fourth, it allows the truly poor, with little or no access to third party payment accounts, to save the cost of money orders.

Not all Federal credit unions will have the same experiences with a share draft program meets their immediate needs. Individual members of a Federal credit union will ultimately determine whether the program meets their immediate needs. However, whether or not members will avail themselves of an offered service is no indication that a particular program is or is not consistent with the overall purposes of Federal credit unions. The effect of a particular program on a given Federal credit union cannot be used as a basis for denying the power to operate such a program to all other Federal credit unions.

This Administration has also determined that the use of share drafts is consistent with common law. Share drafts are in the same form as drafts which have been used by both businesses and individuals for centuries. Drafts were in use before banks, as that term is generally understood today, came into existence. Based upon custom, usage and common law, anyone can draw a draft on anyone else and this would include a member drawing a draft on his or her Federal credit union. Due to the historical practice concerning the use of drafts, a specific prohibition would be necessary to preclude a member from drawing a draft on a Federal credit union. The Federal Credit Union Act contains no prohibition against the use of drafts for withdrawal purposes. Thus it is presumed Congress has not taken away that right.

An examination of the legislative history of the Federal Credit Union Act, including that cited by opponents of share drafts, fails to disclose an intent on the part of Congress to prohibit the use of share drafts. Viewed in terms most favorable to opponents, it is this Administration's view that the legislative history is, at best, ambiguous and inconclusive. With such an interpretation, and with the historical support of the common law, the National Credit Union Administration is constrained to determine the issue in favor of Federal credit unions.

In addition to this Administration's determination that share drafts are not inconsistent with the purposes of Federal credit unions, that their use is consistent with common law, and that legislative history does not indicate an inten-

tion on the part of Congress to prohibit their use, it has been determined that share drafts are impliedly authorized under the Federal Credit Union Act. The implied authority for the operation of share draft programs is essentially founded upon the express powers to contract (12 U.S.C. 1757(1)) and to receive payments on shares (12 U.S.C. 1757(6)).

The Federal Credit Union Act does not expressly define the breadth of the power to contract. However, the conclusion that share drafts are within the contractual powers of Federal credit unions is supported by judicial and administrative precedent. "Iowa Credit Union League v. Iowa Department of Banking," No. CE6-3152 (May 24, 1977); "Oklahoma State Credit Union League," Conclusions of Law 10 (Order, Credit Union Board of the State of Oklahoma, May 17, 1977). The Iowa court concluded that Iowa credit unions have the power to enter into share draft agreements with their members and that the relationship between a credit union and its members with respect to share and deposit accounts is contractual. Although the Iowa decision interprets a state law, it is a judicial interpretation of a similar statute governing institutions similar to Federal credit unions. While the National Credit Union Administration does not find itself bound by state judicial or administrative rulings, it does recognize such rulings merit due consideration.

In considering decisions relating to the power of banks to contract, the power is viewed in terms of the scope of the institution's activities and whether it involves the reasonable furtherance of the operations of the institution's business. A contractual arrangement whereby Federal credit union members gain access to their funds does involve the reasonable furtherance of the operations of a Federal credit union's business and is within the scope of a Federal credit union's activities.

As to the power to receive payments on shares, there appears to be no disagreement that the statutory power implies the ability to pay withdrawals. However, it is the extent and scope of the withdrawal power which is in dispute. Based on common law, any member may draw a draft on his or her Federal credit union. As previously stated, a specific prohibition would be necessary in order to preclude a member from taking such action. Likewise, a positive prohibition would be necessary to prevent a Federal credit union from honoring the draft if it wishes to pay it.

Aside from implied authority, the operation of a share draft program is a legitimate exercise of a Federal credit union's incidental powers. Although the standard to be applied to the incidental powers clause of the Federal Credit Union Act (12 U.S.C. 1757(15)) has not been the subject of judicial scrutiny, identical or similar powers governing state chartered credit unions have been tested. In "Oklahoma Bankers Association," supra, the Oklahoma State Credit

Union Board cited the incidental powers clause as authority for the proposition that credit unions could adopt "modern methods of operation and technological progress such as data processing and electronic funds transfer" systems. Id. at 9. Support can also be found in the "Iowa" case. The court there concluded that share drafts are incidental to and promote the statutory functions of credit unions in addition to being a lawful exercise of express and implied powers. "Share drafts are necessary and requisite in order for credit unions to effectively continue to carry on their business." "Iowa Credit Union League," supra, 17. A comparison of the incidental powers clauses of the Oklahoma and Iowa state credit union acts (Okla. Stat. Ann. title 6 §2006(15), (West Supp., 1977); Iowa Code Ann. § 533.4(11), (West 1970)) to that contained in the Federal Credit Union Act reveals that the clauses are identical in all respects, insofar as the standard by which such powers are to be judged. The Iowa court also felt it was necessary "for credit unions to develop more innovative services in the area of funds withdrawal and third party payments if they are to remain competitively viable and continue to perform their statutory functions." Id. at 13.

The exercise of incidental powers is not unique to credit unions but is shared by all institutions in the financial community. It has been recognized that financial institutions may exercise their incidental powers when necessary to preserve their existence in order to continue to perform their statutory functions. See for example, "McCoy v. Adams," 29 F. Supp. 815 (E.D. Pa. 1939). The analysis of the incidental powers of financial institutions is contained in far more than one or two cases, many of which have been cited by opponents of the share draft program. This Administration does not intend to discuss herein either the cases cited by opponents or those which support a decision in favor of share drafts. It is sufficient for the purposes of this preamble to acknowledge the existence of such cases. The Administration is of the opinion that although the opponents' authorities are deserving of considerable attention, they have not been found to be of sufficient weight to warrant a finding which would have an adverse impact on credit unions.

In evaluating the operational aspects of share draft programs through the experimental stage and proceeding through the rulemaking process culminated by the publication of this final rule, the Administration has not been unmindful of the impact such programs may have on other financial institutions. Certainly, this issue has been emphasized through both written comments and oral testimony in addition to court action. It is recognized that Federal credit unions compete with other financial institutions to the extent that their members can also utilize the services of those other financial institutions. The existence of Federal laws governing the establishment and regulation of financial institutions with

similar powers indicates Congressional approval of competition. Although services offered may differ, all depository institutions compete in attracting savings and such competition goes beyond the financial community; it extends to competition with, among others, insurance companies and investment companies. The offering of differing and various services and meeting the needs of individual consumers is the method by which institutions attract savings. To the extent that such methods violate law or involve deceptive practices the resulting competition may be found to be unfair and unlawful. However, when an institution utilizes means available under statutory and common law and which provide for a public benefit by offering consumer opportunities and fostering the development of innovative and healthy competition, such practices cannot be viewed in the same negative vein. This Administration finds share drafts to be within the latter category. While share drafts may have an adverse impact on certain individual financial institutions—it cannot be said that share drafts will jeopardize the existence of a whole segment of the financial community—that potential cannot support the denial of authority for the credit union industry to exercise a legitimate power.

As the Department of Justice noted in its comments on the proposed regulation, changes in the economy have brought about high money market rates and consumer awareness. This has forced new competition and the need for innovative developments and technological advances which will ultimately provide important consumer benefits. The Department also noted that, due to the nature of share drafts, such programs may well stimulate competition between credit unions and commercial banks and will allow the continuation of important competitive initiatives. (The Department of Justice did not address the question of the legality of share draft programs; The comments related solely to share drafts and EFT systems and competitive consequences.)

Through the promulgation of the share draft regulation, the Administration does not intend that all Federal credit union members close out their checking accounts with commercial banks or NOW accounts with other thrift institutions. The intent is, however, to provide credit union members with an alternative for the effective management of their funds consistent with the purposes of the Federal Credit Union Act and as recognized by common law; an alternative which provides the member, as a consumer, with an additional consumer benefit. The option will be that of the individual in light of his or her specific needs.

2. SEPARATE ACCOUNTS

The proposed rule would require that a member desiring to use share drafts must first establish a separate share draft account. At the time the proposed

rule was published, it was considered essential that share draft accounts be maintained separately in order to ensure accurate recordkeeping, to facilitate the maintenance of a liquidity reserve, and to permit evaluation by this Administration. As a matter of policy this requirement is modified.

Many commenters pointed out that there are advantages to both the credit union and the member if combining the share draft account with the regular share account were permitted. The commenters argued that eliminating separate share accounts reduces costs for the credit union. That, in turn, benefits the members.

There are, however, significant operational advantages in maintaining separate share draft accounts. Initially, it minimizes any interference with other accounts and reduces confusion during the developmental stage for the Federal credit union. A separate share draft account would also, for many Federal credit unions, facilitate the calculation of reserves and the collection of any data this Administration should determine is necessary to continue to monitor the share draft program. Additionally, the maintenance of a separate share draft account may avoid some of the difficulties inherent in maintaining a single share account. This is especially true where a member maintains one account and has pledged a portion of the shares in that account as security. These difficulties are, however, relatively minor and can be solved. Finally, it appears that many members desire a separate account for personal convenience and record-keeping purposes.

It is the Administration's opinion that the prevailing argument in support of the legality of the share draft program is that share drafts are merely a method of remote access to a member's account. This method of access by draft has always been available at common law, but simply not implemented until recently. Arguably, absent a specific regulation concerning the method of share withdrawals, a member of a Federal credit union would have the power to withdraw money from his share account by drawing a draft on the Federal credit union and the Federal credit union would have the power to honor the draft. However, the unrestricted exercise of this power is neither economically nor operationally feasible for all Federal credit unions. Hence, there are sufficient justifications for regulating the use of share drafts.

It should be noted that Federal credit union members have always been able to establish more than one share account, and at the time of withdrawal, whether in person, by mail or by phone, determine which account would be drawn upon. Therefore, a member may wish to designate one regular share account as the account upon which share drafts are to be drawn without affecting the balances in any other regular share accounts maintained by that individual. Whether such an option is to be made

available to a member is a matter properly within the discretionary powers of the board and is a matter of agreement between a member and his credit union.

Accordingly, "share draft account" will be redefined to mean "any regular share account from which the Federal credit union has agreed that shares may be withdrawn by means of a share draft or other order."

3. PAYABLE THROUGH BANK

The definition of payable through bank raised four major issues. First, should the definition be revised to follow more closely section 3-120 of the Uniform Commercial Code? Second, should the definition be revised to provide greater flexibility? Third, should this Administration require that the payable through bank be located in the same state as the drawee Federal credit union? Fourth, should credit union members be allowed to make deposits at the payable through bank?

As to the first issue, one commenter proposed a slight refinement in the definition to reflect the present language of section 3-120 of the Uniform Commercial Code, which reads: "An instrument which states that it is 'payable through' a bank or the like designates that bank as a collecting bank to make presentment but does not of itself authorize the bank to pay the instrument." It was, therefore, suggested that the definition of payable through bank be redefined to mean "the bank that has been designated to make presentment of a share draft to the Federal credit union for payment."

The difference is slight; however, a modification as suggested would be of some benefit in that case law interpreting the respective liabilities of the Federal credit union and the payable through bank would be more on point and less likely to be distinguished because of a slight variation in the way "payable through bank" is defined.

Several commenters suggested that the definition be more inclusive than payable through bank. One commenter suggested the phrase "payable through financial institution" would provide greater flexibility and better meet the requirements of Federal credit unions.

This Administration concurs that there does exist the need to follow the more exacting language in the Uniform Commercial Code, but does not agree that the definition be made more inclusive. At the present time, only banks are in a position to act as payable through institutions. Therefore, expanding the term to include other types of financial institutions would serve no useful purpose. Should the Federal Reserve regulations be modified to authorize other financial institutions to act as a "payable through institution," an amendment to this section will be considered.

As to the third issue, this Administration has no valid reason for requiring the payable through bank to be located in the same state as the drawee Federal

credit union. It should be noted, however, that if the payable through bank is other than a National Bank and requires the Federal credit union to maintain a deposit, then section 107(8) of the Federal Credit Union Act is applicable. In that case, the payable through bank must operate in accordance with the laws of the state in which the Federal credit union does business.

Finally, the question was raised whether a Federal credit union and a payable through bank may establish a correspondent relationship whereby its members could make deposits at the payable through bank and have them credited to their regular share accounts at the Federal credit union. This Administration has recently addressed this issue and delineated certain requirements that must be met to implement such a program. On this matter, Federal credit unions should contact the appropriate Regional Director for guidance.

In consideration of the above, paragraphs (a) (1) and (2) have been amended to read:

(1) "Share draft" means a negotiable or nonnegotiable draft used to withdraw shares from a share draft account.

(2) "Payable through bank" means a bank that has been designated to make presentment of a share draft to the Federal credit union for payment.

4. CHARGE FOR USE OF SHARE DRAFTS

Commenters raised several issues with respect to the charges authorized under § 701.34(c) (6) (xiii) of the proposed regulation. There were several requests for authorization to charge activity fees or alternatively to require a minimum balance. The argument most frequently made in favor of activity fees/minimum balances was that of economic viability based on particular credit union circumstances. While the evidence on this matter is not conclusive, it has been determined that the charging of activity fees, since they would be assessed against members utilizing the program, would be permissible. However, activity fees charged cannot be in excess of the direct and indirect costs attributable to the processing of share drafts. In terms of a minimum balance for regular share accounts, however, a Federal credit union must comply with Article III of its Bylaws.

Several commenters expressed concern that the proposed regulation would prohibit them from passing on the costs of printing and delivering the share drafts to the members who ordered them. Section (b) of the proposed regulation distinguished between providing share drafts to the members and charges on the subsequent use of the share drafts. It is within the board of director's discretion to decide if drafts are to be paid for by the member or if the Federal credit union will absorb that cost.

Three other questions arose that this Administration did not specifically address in either the preamble to the proposed regulation or the proposed regulation itself: First, in the event separate accounts are used, whether the board of

directors may impose a fee for transfers between separate accounts? Second, whether a fee can be required for guaranteeing a draft in accordance with § 701.34(g) of the proposed rule? Third, whether a fee may be imposed for interim statements requested by a member? It is believed that the charging of such fees is properly within the discretion of the board of directors and should not be prohibited. Accordingly, paragraph (b) and paragraph (c) (6) (xiii) of the proposed regulation have been revised to incorporate these changes, as well as to reflect that the charging of a fee is a policy decision properly left to the board of directors. The fees charged, however, cannot exceed the direct and indirect costs of providing that service to the member.

Paragraph (b) of the proposed rule is amended to read:

(b) A Federal credit union may provide its members with share drafts. The board of directors shall determine, prior to requesting approval to implement the share draft program, that the members' use of share drafts is economically and operationally feasible for the Federal credit union.

Paragraph (c) (6) (xiii) of the proposed rule (redesignated (c) (5) (xiii) in the final rule) is amended to read:

(xiii) the fees, if any, to be charged: *Provided*, Such fees shall not exceed the direct and indirect costs of providing the service.

5. REQUEST TO OPERATE A SHARE DRAFT PROGRAM

There were several general comments made with respect to the application procedure. Several commenters objected to the procedure whereby the Federal credit union must furnish all background documentation which supports the board of directors' decision that the members' use of share drafts is economically and operationally feasible for the Federal credit union. It was argued that in its present form the "provision might be construed as requiring each credit union to undertake a detailed feasibility study, which would be unduly burdensome for smaller credit unions."

This Administration views the implementation of a share draft program as a major management decision for each Federal credit union concerned. The considerations are substantial and will vary as to each Federal credit union. Under these circumstances it is essential that adequate documentation be furnished by a Federal credit union desiring to implement a share draft program in order that its economic and operational feasibility be determined. Such an approach will best protect the members and allow objective evaluation of the credit union and the qualifications of the management so that the risks of operating a share draft program are minimized. Accordingly, no modifications have been made to paragraph (c) (2).

One commenter requested that league counsel be permitted to give the statement that the forms and procedures to be used by all the Federal credit unions

using a particular program conform to the requirements of this regulation and applicable laws governing contract rights. *Provided*, The forms and procedures used by each Federal credit union represented by the league counsel or any other legal counsel are identical, such a procedure is acceptable.

One commenter suggested that the Administration require those Federal credit unions that were approved to operate a share draft program under the experimental program be required to submit a new application. Some review is necessarily consistent with the change-over from an experimental to a permanent program. For example, the method of paying dividends or the procedures for establishing liquidity reserving requirements must be reviewed and approved. However, it has been determined that a new application is not necessary. Instead, all Federal credit unions previously approved must, to the extent their previously approved applications are inconsistent with or do not provide the information required by this regulation, submit written notification to the Administration (Regional Director) which identifies the modifications made to assure compliance with this regulation. Questionable practices should not be implemented, or should be discontinued until reviewed by the Regional Director. Those Federal credit unions that have submitted and have pending applications that do not meet the requirements of this Regulation must submit a new application or modify their applications as appropriate.

6. METHOD FOR MEMBER TO MAINTAIN A RECORD OF SHARE DRAFTS DRAWN

Several commenters expressed the concern that the proposed regulation could be interpreted to mean that this Administration intends to prohibit credit union members from using draft registers or stubs as a method of maintaining records of their share draft transactions. The proposed regulation at paragraph (c) (6) (vii) simply required that the method for member verification must be stated. Apparently, confusion arose as a result of the language in the preamble to the proposed rule which referred only to "carbonless duplicates." This form of member recordkeeping, as previously indicated is not required to the exclusion of all others. Its use, however, is recommended.

7. MODIFICATIONS

The proposed rule at subsection (e) required that any modification to an approved share draft program be approved in writing by the Regional Director. The standard objection raised by several commenters was that a literal reading of the proposed rule would require advance approval of even the slightest change to an operating share draft program. Potentially, such a requirement is burdensome for Federal credit unions requesting slight adjustments to operational programs.

The Administration is not concerned with minor modifications, such as, a change from a quarterly to monthly statement of account or a change in dividend rate being paid, but it is concerned with substantive or substantial procedural changes in the operation of the program. Accordingly, for clarification purposes those modifications requiring advance notification and approval are set forth in a revised subsection (e). Additionally, subsection (e) will clarify that any material modification not delineated in subsection (e) falls within the notification requirement and must be reviewed and approved by the Administration.

It is recognized that there will be questions as to what is meant by a "material modification." Federal credit unions, therefore, are cautioned to review the intended modification with the Regional Director whenever there exists some question as to its import and potential impact on the share draft program.

One additional amendment to subsection (e) was made to clarify the requirement that requests for modifications must be made in writing.

Section (e) is amended to read:

(e) (1) The Federal credit union shall notify the Administration in writing, at least 60 days in advance of its proposed implementation date, of any modification relating to:

- (i) The payable through bank;
- (ii) Truncation procedures;
- (iii) The share draft agreement;
- (iv) Procedures for establishing and maintaining a liquidity reserve; and
- (v) Any material modification not previously reviewed and approved by the Administration.

(2) Implementation of the modification is contingent upon written approval of the Administration.

(3) The Federal credit union shall immediately notify the Administration as to any matter affecting the information provided pursuant to paragraphs (c) (1) through (c) (4).

8. DIVIDENDS

In the preamble to the proposed rule, a brief discussion was included to clarify that share draft accounts are share accounts; consequently, they are eligible to earn dividends. As in the case of all share accounts, however, dividends are not paid on those funds which are withdrawn during a dividend period.

The method and frequency of dividend payments raised considerable comment. Several commenters requested that Federal credit unions be permitted to pay dividends on share draft accounts at a rate and frequency which may differ from the treatment of regular share accounts. The arguments made in favor of these proposals were twofold. First, it was necessary to pay a dividend at a different rate or frequency in order to spread the costs of operating a share draft program among the members who utilize it rather than spreading the cost among all the members, some of whom will not have a share draft account. Second, several commenters implied that the use of different rates and frequencies

would make the program economically feasible for a greater number of credit unions.

To be considered, however, are the statements of several commenters who testified that share drafts are self-supporting and are a source of income. They pointed out that share drafts benefit not just those who utilize the service, but the entire membership. One commenter attributed to a large degree an across-the-board interest refund to all members because the share draft program generated funds substantially in excess of all determinable costs. It should also be noted a few Federal credit unions have had difficulty justifying, on a cost basis, a share draft program. One Federal credit union terminated its program for that reason. Those Federal credit unions experiencing difficulty, however, are in a distinct minority.

Share drafts are a method of accessing a regular share account, and nothing more. Available data simply does not support separate treatment. The comments on Separate Accounts are also relevant to this issue. Accordingly, a "share draft account" means a regular share account established for a credit union member that may be accessed by share drafts. A share draft account, therefore, will earn the same dividend rate, which will be computed and paid in the same manner, as regular share accounts. The term "regular share account" is defined in § 701.35(a)(1)(i) of the rules and regulations (12 CFR 701.35(a)(1)(i)).

In the proposed rule, at subsection (c)(5), a limitation was placed on the frequency of dividend periods. As a share draft account must receive the same treatment accorded a regular share account, this restriction cannot be required. To continue a limitation on the frequency of payment would ignore the basic theory that regular share accounts and share draft accounts are identical excepting the method of access. This approach is also consistent with the conclusion that maintenance of separate share draft accounts will no longer be required. Consequently, as indicated above, if a Federal credit union pays daily dividends on its regular share accounts, it must also pay daily dividends on the share draft accounts. The same is true for any other period established for payment of dividends. Consistent with the above, the proposed subsection (c)(5) is deleted and the remaining subsections redesignated accordingly.

9. RESERVES

Comments on the proposed definition of "liquidity reserve" and the "liquidity reserve requirement" fell into three categories: (1) Those questioning the need for a liquidity reserve; (2) those addressing the basis for computing the liquidity reserve; and (3) those addressing the necessary components of a liquidity reserve.

As concerns the first issue, the major point made by the commenters was that a liquidity reserve has never been neces-

sary for regular share accounts, which are, arguably, more susceptible to major withdrawals than are share draft accounts. The data developed during the experimental period, however, demonstrates a significant increase in withdrawals in those accounts subject to access by share drafts. The volume of the increased activity can be, in most instances, accurately projected, however, that does not eliminate the need to provide for a liquidity reserve to meet current operating as well as sudden and unexpected share withdrawals and to preserve member confidence. This Administration is, therefore, satisfied that maintaining a liquidity reserve is an essential element to a successful share draft program.

As to the second issue, one commenter suggested that the formula for computing the liquidity reserve be revised to equal "110 percent of the aggregate amount paid on share drafts during the preceding month divided by the number of days on which share drafts were paid during that month." It was contended that the suggested formula yielded a result, in terms of the total dollar amount required to be reserved, comparable to the amount required by section (c)(6)(xiv) of the proposed rule, i.e., 7 percent of the average daily balances for the preceding month. While the data developed during the experimental period does not support such a conclusion, this Administration views the suggested formula as a better method to compute liquidity reserves for share draft accounts for several reasons; first, for those credit unions that do not establish separate share draft accounts, it will facilitate the calculation of the amount that must be reserved; second, it does not include in the liquidity reserve formula shares which normally are not subject to withdrawal; third, it prevents a circumvention of the reserving requirement if procedures are developed to maintain disproportionately low balances in share draft accounts; and fourth, the suggested formula would require a liquidity reserve based on the actual amounts paid. Such an approach is equitable and more accurately reflects share draft activity and the Federal credit union's liquidity requirements.

In consideration of the above, the suggested formula is more in accord with the operations of Federal credit unions; however, the liquidity reserve such a formula would produce is inadequate. Accordingly, the percentage has been increased from 110 percent to 125 percent. It is recognized that the method of computation set forth in this regulation still does not compare, in terms of the total amount which must be reserved, to the 7 percent requirement in the proposed rule. This Administration is satisfied, however, that based on the data developed during the experimental period, a liquidity reserve computed on the basis of 125 percent of the aggregate amount of share drafts paid, divided by the number of days on which share drafts were paid, would be sufficient to meet normal as well as unexpected withdrawals.

Finally, in response to the third issue, the definition of "liquidity reserve" was modified. The major change to the definition is that any investments included as a portion of the liquidity reserve must be redeemable within 60 days and not have a maturity in excess of 90 days. This definition would permit the purchase of certificates of deposit that have, for example, maturities in excess of 90 days, but would limit investments, as authorized by Section 107 of the Federal Credit Union Act, by imposing the above requirements.

Since share draft accounts are not demand accounts and are subject to the right to impose a 60 day notice period, this Administration does not consider it necessary or appropriate to require sterile reserves. It is also noted that a grace period is provided during the first month of operation.

10. GUARANTEE

Subsection (g) of the proposed rule permitted Federal credit unions to guarantee share drafts on a very limited basis. This position is incorporated in the final regulation.

The commenters were virtually unanimous in requesting some type of blanket guarantee program. Several commenters contended that a less restrictive guarantee program is necessary to the continued viability of the share draft program. Notwithstanding the obvious advantages, i.e., marketability, and increased third party acceptance of a "guaranteed draft," it is this Administration's opinion that a guarantee beyond that set forth in the proposed rule would change the nature of the share draft account. That is, a blanket guarantee necessarily waives the right to require notice, an important distinction between the share draft account concept and a demand deposit account.

Accordingly, a Federal credit union may guarantee the payment of a share draft in a given instance only after the available balance of the share draft account has been verified and a proper notation is made on the account to prevent the withdrawal of funds necessary to pay the guaranteed share draft. Federal credit unions are not authorized to guarantee payment of all share drafts or to waive, in whole or in part, the right to require notice of intent to withdraw as set forth in the Federal credit union's bylaws. Subsection (g) has been modified to clarify this point.

11. IMPLEMENTATION OF A LIMITED SHARE DRAFT PROGRAM

Although the ultimate success of a share draft program is based on its acceptance, a limited initial participation may be authorized to allow credit union personnel to familiarize themselves with the system, and perfect an operationally efficient program. Several commenters who managed Federal credit unions that have operational share draft programs felt compelled to limit initial participation for the above reasons. Such a

limited participation period should not extend beyond one year.

It is also reasonable to assume that some Federal credit unions should not, even though they may be desirous of doing so, implement a share draft program except on a limited basis. Certainly it can be expected that situations will arise, for example, where it is difficult to determine the board of director's ability to manage a share draft program from the available data. Should that occur, it might prove more appropriate to approve the share draft request on a limited basis. Accordingly, subsections (d) and (f) have been amended to reflect the above.

Subsection (d) is amended, in part, to read:

(d) A Federal credit union may not commence operating a share draft program until it has received written approval from the Administration, which may limit member participation for a period not to exceed one year.

Subsection (f) is amended to read:

(f) If a share draft program or a request for modification is not approved, or the share draft program is approved for limited member participation, the Administration will provide the requester a written notice setting forth the basis for such action.

12. CORPORATE SHARE DRAFT ACCOUNTS

During the experimental period, participation was limited to natural persons. Several commenters, suggested that this exclusionary approach be modified to allow corporate central Federal credit unions to serve their members. (Corporate Central Federal credit union members are, for the most part, other Federal credit unions.) It is believed that a distinction between corporate and natural members is inconsistent with the position that members of a Federal credit union have the power to withdraw shares from their accounts by drafts and discriminates against corporate members. If a commercial entity is a member of a Federal credit union consistent with the common bond requirements delineated in section 109 of the Federal Credit Union Act (12 U.S.C. 1759), then there exists no legal basis for denying its the right to access its account by means of a draft. It should be noted that this Administration has no intention of interpreting the common bond in such a manner that would allow commercial entities, except under the very limited policy presently in effect, to qualify for membership in Federal credit unions.

The proposed rule did not make the corporate/natural distinction; consequently, no amendments to clarify this position are necessary.

13. INSURABILITY

One commenter questioned the insurability of share draft accounts both as a matter of policy and on legal grounds. The commenter relied in part on "the changing insurance risks which accompany demand deposit accounts" and on the provision in section 201(c)(3) of the Federal Credit Union Act (12 U.S.C. 1781(c)(3)), prior to amendment by

Pub. L. 95-22, which expressly prohibited the Administration from insuring demand deposit accounts in state chartered credit unions. It should be emphasized that this Administration's position has not been that state chartered credit unions' share draft accounts were uninsurable because of section 201(c)(3). State share draft accounts were considered to be member accounts, if they so qualified pursuant to state law, and if the accounts were subject to the notice provisions applicable to share withdrawals. Hence they were and are insurable, as are the share draft accounts in Federal credit unions. In fact, this Administration was careful about maintaining this distinction and has, on at least one occasion, required a state chartered credit union to modify its third party payment account program in order for it to be insured. Of course, this action preceded the amendment to the Act which now authorizes this Administration to insure demand deposit accounts in state chartered credit unions if they qualify under state law as member accounts. Any such account, however, must be adequately reserved.

To again clarify this question, share draft accounts, if maintained separately, are insured by the National Credit Union Share Insurance Fund up to \$40,000 in accordance with Part 745 of the rules and regulations (12 CFR Part 745). The amount of insurance coverage in a given instance will depend upon the number of accounts maintained by a member and the legal relationship of the member with respect to those accounts.

14. ADVERTISING

In the preamble to the proposed rule, comments were requested on advertising guidelines and requirements. Since the proposed rule did not contain a specific section on advertising, inclusion in the final rule of any specific requirements would require additional notice and the opportunity for the public to comment. Therefore, advertising guidelines have not been included in this regulation. Based on evaluation of industry activity in this area, however, this Administration may propose additional guidelines in addition to those contained in Part 740 (12 CFR Part 740) of the rules and regulations.

It is not the intent to so encumber Federal credit unions with requirements that it will reduce the marketability of the share draft program. Credit unions must, however, define and disclose, fairly and objectively, the purpose of share drafts and preserve the distinction between share draft accounts and demand accounts. Because share drafts are used for withdrawals from share accounts, they are subject to the same limitations and notice requirements as are withdrawals from share accounts by any other means.

A problem that surfaced consistently during the review was that advertising material rarely explained how dividends on share draft accounts are computed. One commenter indicated that the mem-

bership understood the basis for dividend calculation. A Federal credit union must, however, disclose the basis upon which dividends are calculated, as required by § 701.35(j)(1)(iii) (12 CFR 701.35(j)(1)(iii)).

Some advertisements reviewed misstated the insurance of share draft accounts. For example, "all share draft accounts are insured up to \$40,000 by the National Credit Union Administration" is not an accurate statement. Reference is made to the section in this preamble which discusses insurance of share draft accounts.

Finally, an issue arose concerning what share drafts should be called. For example, could they be referenced as "share checks," or "Share Cheques" or "CHECK (name of Credit Union)," etc. Although several credit union managers commented that each Federal credit union should be able to market share drafts under their own trade names, it is this Administration's view that the use of the word "check" or a similar sounding word or phrase creates an inaccurate connotation. Share drafts should be marketed under the name of "share drafts." At a very minimum, the term "share drafts" should appear in the advertising.

15. RECORDKEEPING

With the exception of § 701.34(c)(6)(iv), the proposed share draft regulation does not address recordkeeping. However, in the preamble it was indicated that this Administration would consider comments on recordkeeping during the course of the rulemaking process.

The comments received concerning paragraph (c)(6)(iv) all raised the same issue—that the word "inadvertent" should be deleted. The proposed regulation required that the operational specifications provide for "recording of inadvertent share overdrafts and giving member notification of such overdrafts should they occur." However, as the comments emphasized, the credit union cannot ascertain whether the overdraft is inadvertent or not. An overdraft might be drawn inadvertently even by someone who has a line of credit agreement with the credit union. Accordingly, the word "inadvertent" is deleted in the final regulation and "(c)(6)(iv)" is redesignated "(c)(5)(iv)," due to the previously mentioned deletion of the proposed (c)(5) which limited the frequency of dividend periods. A Federal credit union must now record and notify members of all overdrafts.

16. CASHING SHARE DRAFTS

Several questions were raised with respect to cashing share drafts. Commenters inquired whether the drawer of a share draft would be able to cash it at the drawee Federal credit union. Reference is made to the preamble to the proposed rule wherein it was explained in the section How Is A Share Draft Paid that "a share draft may be presented directly to the Federal credit union by a member to withdraw cash from the member's share draft account."

A second question raised by a few commenters was whether members could make withdrawals from share draft accounts without using share drafts. The implication in the preamble to the proposed rule is that share draft accounts can only be accessed by share drafts. This is not correct. Other methods of withdrawal may be utilized if the procedures developed are consistent with the Federal Credit Union Act and its implementing regulations.

A third question was raised concerning a nonmember joint owner of a share draft account withdrawing shares by means of a draft. Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) permits members of a Federal credit union to establish accounts in joint tenancy with right of survivorship with any person. Since a nonmember joint owner is entitled to the same withdrawal rights as the member joint owner, there is no legal justification for prohibiting such activity. A more difficult question arises, however, when the nonmember joint owner overdraws the share draft account. Can a nonmember overdraft be paid by the Federal credit union and can a nonmember overdraft activate an available line of credit to the member joint owner? It is this Administration's present view that in both instances Federal credit unions must not honor overdrafts drawn by a nonmember joint owner. This position may create some operational problems. Those problems have been considered, however, and satisfactory obtainable alternatives do exist.

A final question was raised concerning the consequences of overdrawing a share draft account if the drawer member has no other accounts in the Federal credit union. That is, must membership be terminated when the account balance reaches zero. This situation should be treated no differently than the situation where a member walks into the Federal credit union and reduces his account balance to zero. In the latter instance, membership is terminated. This problem may be solved by contract or other arrangements with the member.

17. TRUNCATION

Only one issue was raised concerning truncation. Several commenters suggested that Federal credit unions should have the option of truncating or of returning the paid share drafts to their members. The rationale advanced for returning drafts was that: It would aid member detection of unauthorized or forged drafts; it would aid members in keeping a record of the drafts drawn, as many members will not properly maintain share draft registers and the carrying of blank share drafts by members to cover unanticipated purchases can be expected; it would aid members preparing their income tax returns; it would simplify problems for a member who needs to have a copy of his draft promptly, for example, when a computer billing error occurs; and it was alleged

that most members will want to get their drafts back.

Other commenters, however, favored procedures which would require truncation. The argument advanced was that truncation reduces multiple handling of paper drafts and significantly reduces transaction costs.

This Administration views truncation procedures as a significant development and a major factor contributing to the reduction in the overall costs required to process share drafts. To permit an optional approach would undermine the progress made during the experimental period in educating the members that the advantages of truncated procedures are far superior to the traditional philosophy that cancelled drafts must be returned to the drawer. Additionally, acceptance of truncated procedures by Federal credit union members will assist in the development of the Electronic Fund Transfer Systems. In view of the above, Federal credit unions must develop some type of procedure whereby share drafts are truncated.

18. MISCELLANEOUS AMENDMENTS

Subsections (c), (d), (e) and (f) have also been amended by replacing the term "Regional Director" with "Administration." This change is technical only and has no substantive effect on the regulation. Where it is required that Federal credit unions submit documentation, such as applications, modifications, or notification, submissions are still to be made to the appropriate Regional Director.

19. DELAYED EFFECTIVE DATE

On June 9, 1977, the American Bankers Association and Tioga State Bank filed a petition to delay the effective date of the share draft regulation pending judicial review. It was alleged that irreparable harm to the petitioner state bank and other commercial banks represented by the petitioner Association would result if additional Federal credit unions were approved to operate a share draft program. Conversely, it was alleged no harm would result to Federal credit unions by virtue of a delayed effective date.

This Administration recognizes that a delay of 60 days is appropriate. A 60 day delayed effective date will allow petitioners a reasonable amount of time to seek judicial review. Also, it will permit those Federal credit unions that have operational share draft programs to implement the changes required by this regulation. The experimental share draft program is, therefore, extended until the effective date of this regulation notwithstanding any previously set termination date with respect to individual programs.

Accordingly, 12 CFR Part 701 is amended by adding a new section as set forth below.

LAWRENCE CONNELL, Jr.,
Administrator.

NOVEMBER 30, 1977.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).)

§ 701.34 Share drafts.

(a) For purposes of this section:

(1) "Share draft" means a negotiable or nonnegotiable draft used to withdraw shares from a share draft account.

(2) "Payable through bank" means a bank that has been designated to make presentment of a share draft to the Federal credit union for payment.

(3) "Truncation" means the original share draft is not returned to the member.

(4) "Share draft account" means any regular share account from which the Federal credit union has agreed that shares may be withdrawn by means of a share draft or other order.

(5) "Liquidity reserve" means an allocation of current assets recorded on the credit union's records as cash or deposits and investments as authorized by Section 107 of the Federal Credit Union Act: *Provided*, That, any investments included as a portion of this reserve shall be redeemable within 60 days and have a maturity not in excess of 90 days.

(b) A Federal credit union may provide its members with share drafts. The board of directors shall determine, prior to requesting approval to implement the share draft program, that the members' use of share drafts is economically and operationally feasible for the Federal credit union.

(c) A Federal credit union must submit a written request to operate a share draft program to the Administration at least 60 days prior to the proposed date of implementation. The request shall include:

(1) An official copy of the minutes of the board of directors authorizing a request for approval to implement the share draft program.

(2) All background documentation which supports the board of directors' decision that the members' use of share drafts is economically and operationally feasible for the Federal credit union.

(3) A statement that the forms and procedures to be used have been reviewed by legal counsel.

(4) A statement that the board of directors has determined appropriate surety bond coverage is in force.

(5) A statement of operational specifications which expressly provide for:

(i) Identification of the payable through bank;

(ii) Truncation;

(iii) Establishing a share draft account agreement with each member which outlines the credit union's and member's responsibilities;

(iv) Recording of share overdrafts and giving members notification of such overdrafts should they occur;

(v) Encoding each share draft with the routing and transit number of the payable through bank, the share draft account number, and the serial number of the share draft in accordance with standards required for use in a clearing system utilizing Magnetic Ink Character Recognition devices;

(vi) Preprinting the name of the payable through bank and the name of the credit union on the share draft;

(vii) A method for each member using share drafts to maintain a record of share drafts drawn;

(viii) Submission of a periodic statement of account, no less frequently than quarterly, to each member who has a share draft account which shall include for each share draft processed the serial number, date of payment and the amount of payment;

(ix) Establishing responsibility for detection of unauthorized or forged drafts;

(x) Procedures for processing stop payment orders;

(xi) Procedures for providing members with copies of paid drafts should copies be requested;

(xii) Procedures for retaining paid drafts or copies of paid drafts on file for a period of five years or as required by state law, whichever is greater;

(xiii) The fees, if any, to be charged, provided such fees shall not exceed the direct and indirect costs of providing the service; and

(xiv) Procedures for establishing and maintaining an average daily liquidity reserve equal to 125 per cent of the aggregate amount paid on share drafts during the preceding month divided by the number of days on which share drafts were paid during that month.

(d) A Federal credit union may not commence operating a share draft program until it has received written approval from the Administration, which may limit member participation for a period not to exceed one year. Approval will not be given if:

(1) The requirements of paragraph (c) of this section have not been met;

(2) The supervisory committee has not fulfilled its statutory requirements as specified in the Federal Credit Union Act; or

(3) The management of the credit union has demonstrated through prior performance its inability to handle the additional activity the share draft program will generate.

(e) (1) The Federal credit union shall notify the Administration in writing, at least 60 days in advance of its proposed implementation date, of any modification relating to:

(i) The payable through bank;

(ii) Truncation procedures;

(iii) The share draft agreement;

(iv) Procedures for establishing and maintaining a liquidity reserve; and

(v) Any material modification not previously reviewed and approved by the Administration.

(2) Implementation of a modification is contingent upon written approval of the Administration.

(3) The Federal credit union shall immediately notify the Administration as to any matter affecting the information provided pursuant to paragraphs (c) (1) through (c) (4) of this section.

(f) If a share draft program or a request for modification is not approved, or the share draft program is approved for limited member participation, the

Administration will provide to the requester a written notice setting forth the basis for such action.

(g) A Federal credit union shall not waive the right to require notice as set forth in the bylaws, but may guarantee payment of a share draft provided that:

(1) A specific guarantee authorization is obtained for the share draft from the Federal credit union; and

(2) The guarantee authorization is immediately noted on the share draft account to prevent the withdrawal of shares needed to pay the guaranteed share draft.

[FR Doc.77-34957 Filed 12-7-77; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 826-4; PP 5E1587/R138]

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

Cross-Linked Polyurea-Type Encapsulating Polymer

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

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for cross-linked polyurea-type encapsulating polymer. The amendment to the regulations was proposed by Stauffer Chemical Co. This rule will allow the use of the subject material in pesticide formulations.

EFFECTIVE DATE: December 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 202-426-2632.

SUPPLEMENTARY INFORMATION:

On September 21, 1977, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (42 FR 47565) in response to a pesticide petition (PP 5E1587) submitted to the Agency by Stauffer Chemical Co., 1200 S. 47th Street, Richmond, Calif. 94804. This petition proposed that 40 CFR 180 be amended by the establishment of an exemption from the requirement of a tolerance for residues of the cross-linked polyurea-type encapsulating polymer when used as an inert encapsulating material for pesticide formulations applied prior to planting. The inert will constitute no more than 10 percent by weight of any pesticide formulation and the registration of each new pesticide formulation incorporating it must be supported by residue data for the pesticide as well as quality control procedures for ensuring predictable release character-

istics of the pesticide and relatively uniform toxicity of various production lots. No requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

One comment was received recommending that a tolerance be established for the subject material rather than an exemption on the grounds that domestic honey bees are expected to ingest the material, either directly or indirectly, from weeds at the edges of treated fields.

The Agency has determined that the establishment of an exemption from the requirement of a tolerance is still appropriate since: (1) use of the material is limited to preplant soil-incorporated applications, (2) application is in the early spring before bees are active, and (3) the chances of bees obtaining the material from treated fields are highly unlikely because of (1).

It has been concluded, therefore, that the proposed amendment to 40 CFR 180 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 9, 1978, file written objections with the Hearing Clerk, EPA, Rm. 1019, East Tower, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in triplicate 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 the grounds legally sufficient to justify the relief sought.

Effective December 8, 1977.

Statutory Authority: Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).

Dated: November 30, 1977.

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

Part 180, Subpart D, is amended by adding the new § 180.1039 to read as follows:

§ 180.1039 Cross-linked polyurea-type encapsulating polymer; exemption from the requirement of a tolerance.

The cross-linked polyurea-type polymer formed by the reaction of a mixture of toluene diisocyanate and polymethylene polyphenylisocyanate is exempted from the requirement of a tolerance when used as an inert encapsulating material for pesticide formulations applied prior to planting. The inert will constitute no more than 10 percent by weight of any pesticide formulation. Registration of each new pesticide formulation incorporating the encapsulating material must be supported by residue data for the pesticide and quality control procedures for ensuring predictable release characteristics of the encapsulated pesticide and relatively uniform toxicity of various production lots.

[FR Doc.77-35040 Filed 12-7-77; 8:45 am]

[3710-92]

Title 36—Parks, Forests, and Public Property

CHAPTER III—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

[ER 1130-2-418]

PART 330—REGULATION OF LAW ENFORCEMENT SERVICES CONTRACTS AT CIVIL WORKS WATER RESOURCE PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS

AGENCY: U.S. Army Corps of Engineers, DA.

ACTION: Final rule.

SUMMARY: This regulation provides policy and guidance for the establishment and management of the Corps of Engineers' contract law enforcement program including preparation of and management of contracts ensuing from this program. This regulation is applicable to all field operating agencies having responsibilities for Civil Works water resources. It contains the policy, criteria, and funding procedures to be utilized for the negotiation, execution and implementation of these contracts with state and local law enforcement jurisdictions.

EFFECTIVE DATE: December 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Ray Mitchell, Acting Chief, Recreation-Resource Management Branch, Construction-Operations Division, Office, Chief of Engineers, Washington, D.C. 20314, 202-693-7177.

SUPPLEMENTARY INFORMATION: Since this regulation only provides procedural and administrative guidance to Corps of Engineers field personnel, which must be implemented immediately to achieve the objectives of Section 120 of the Water Resources Development Act of 1976 (Pub. L. 94-587), proposed rule-making and the procedures thereto are considered impractical and unnecessary.

For the Chief of Engineers.

JAMES N. ELLIS,
Colonel, Corps of Engineers,
Executive Director, Engineer Staff.

The Law Enforcement Services Contracts at Civil Works Water Resource Projects Regulation (36 CFR Part 330) is hereby established as follows:

- Sec.
330.1 Purpose.
330.2 Applicability.
330.3 References.
330.4 General.
330.5 Policy.
330.6 Criteria.
330.7 Funding.
330.8 Annual report.

AUTHORITY: Sec. 120 of the Water Resource Development Act of 1976, 90 Stat. 2917.

§ 330.1 Purpose.

This regulation provides policy and guidance for the establishment and management of the contract law enforcement program including prepara-

tion of and management of contracts ensuing from this program.

§ 330.2 Applicability.

This regulation is applicable to all field operating agencies having responsibilities for Civil Works water resource development projects.

§ 330.3 References.

- (a) Section 4 of the Flood Control Act of 1944, as amended (16 USC 460d).
(b) Section 234 of the River and Harbor and Flood Control Act of 1970 (Pub. L. 91-611, 84 Stat. 1818).
(c) Section 120 of the Water Resource Development Act of 1976 (Pub. L. 94-587, 90 Stat. 2917).
(d) 36 CFR Chapter III.
(e) ER 190-2-3.
(f) ER 190-2-4.

§ 330.4 General.

(a) Section 120(a) of reference § 330.3(c) authorizes the Secretary of the Army, acting through the Chief of Engineers, to contract with States and their political subdivisions for the purpose of obtaining increased law enforcement services at water resource development projects under the jurisdiction of the Secretary of the Army to meet needs during peak visitation periods.

(b) Further, Section 120(b) of the Act authorizes a maximum appropriation of up to \$6,000,000 per fiscal year for the fiscal years ending 30 September 1978 and 30 September 1979, to carry out Section 120(a).

§ 330.5 Policy.

(a) It is the policy of the Corps of Engineers to provide, to the extent of its authorities, a safe and healthful environment for public use of lands and waters at Civil Works water resource development projects. To insure this safe and healthful environment, and to augment the citation authorities granted to the Corps of Engineers by reference § 330.3(b), District Engineers, subject to the authority of the Division Engineers, as set out below, are hereby delegated the authority to contract with States or their political subdivisions to obtain increased law enforcement services at Civil Works water resource development projects. Division Engineers are hereby delegated the authority to approve any minor deviations from this regulation except that any substantial deviations from the policies expressed within this regulation will require the prior approval of the Chief of Engineers or his authorized representative. Any required approval for deviation shall be made prior to the execution of the contract. When Fiscal Year 1978 and Fiscal Year 1979 work allowances are issued, instructions will be furnished on reporting requirements and the control of expenditures.

(b) Contracts for law enforcement services, as authorized in § 330.5(a), shall be subject to the terms and conditions as provided for within this regulation and in accordance with standard contracting and accounting procedures applicable to the Corps of Engineers.

(c) This regulation is not intended to diminish or otherwise limit the existing law enforcement responsibilities of the State or local law enforcement agencies.

(d) Contract law enforcement personnel shall not be given Federal citation authority for enforcement of regulations contained in Title 36 of the Code of Federal Regulations, Chapter III nor shall they be empowered to enforce such regulations. These regulations shall remain the responsibility of the Corps of Engineers.

(e) Contracts for increased law enforcement shall be for those projects or portions of projects that are operated and maintained by the Corps of Engineers. Law enforcement services will not be provided under this program to those outgrant areas operated and maintained by a non-Federal sponsor.

§ 330.6 Criteria.

(a) In order to provide reimbursement for law enforcement services supplied by a State or local law enforcement agency, a contract must be executed and approved in accordance with this regulation prior to the provisions of such services.

(b) The authorized contract law enforcement program extends only to 30 September 1979. Law enforcement services acquired by contract under this program shall be limited to those increased law enforcement services required to meet the needs of the public during peak visitation periods. Accordingly, the contract period shall not extend beyond the dates of 1 April through 30 September inclusive, and in no event shall the contract be written for more than 120 days within that time period. The contract may provide for an option to renew for a similar, additional period not to exceed 120-day period in Fiscal year 1979. Any exceptions to this criteria must be approved by the Chief of Engineers or his authorized representative.

(c) Contracts shall be consummated only with those public law enforcement agencies legally empowered to enforce State and local criminal and civil laws within their respective political jurisdictions. In light of this requirement and the authority cited in § 330.3(c), it is recognized that sole source negotiations may necessarily be utilized in the procurement of these services. In negotiating law enforcement contracts with these agencies the District Engineer must determine the reasonableness of the price for the law enforcement services offered under the contract. Such a determination shall be made prior to execution of the contract, in accordance with the applicable Contract Cost Principles, Chief of Engineers as provided for in ASPR, Section 15, Part 7, and as subject to the policies contained in this regulation. Such a determination shall be contained in the official contract file and must accompany any requests for deviations from the Division Engineer or Chief of Engineers as provided for in § 330.5(a) of this regulation. Contract law enforcement personnel must meet all the qualifications, including minimal

law enforcement training, required by State and local laws and regulations.

(d) The contractor shall provide all personnel, equipment and supplies which are required to provide the increased law enforcement services contracted for by the District Engineer. The Corps of Engineers shall not reimburse the contractor for the purchase of any equipment or supplies desired by the contractor for use under this program. However, the Corps of Engineers shall reimburse the contractor for the reasonable costs incurred by him in the rental or use of such equipment which is allocated to the work performed by him under the contract. Such use shall include: (1) A depreciation or use allowance for such equipment as determined by the service life evaluation system used by the contractor, and (2) the costs of necessary maintenance, repair, and upkeep of the property which neither adds to the permanent value of the property nor appreciably prolongs its intended life, but keeps it at an efficient operating condition.

(e) Reimbursement for law enforcement services shall be considered only for increased law enforcement services to meet needs during peak visitation periods. Each District Engineer shall evaluate and establish a normal law enforcement service standard for each contract situation and include such standard in the plan of operation to be developed in accordance with § 330.6(h). Each District Engineer shall evaluate the existing law enforcement services now being provided by State or local law enforcement agencies at those water resources projects or recreation areas where it is anticipated that law enforcement service contracts may be executed, and determine the scope including the type and amount, of law enforcement service which exceeds the normal law enforcement standard, and which will become eligible for reimbursement under the contract. Normally, requests by the District Engineer or his authorized representative for emergency or unanticipated law enforcement assistance will be considered non-reimbursable. Increased law enforcement services, eligible for reimbursement under the terms of the contract, shall be those regularly scheduled patrols or surveillance in excess of the normal law enforcement standard presently being provided by the contractor.

(f) An appropriate orientation program will be given by Corps personnel to all contract law enforcement personnel assigned to Corps projects. The purpose of this orientation will be to familiarize the contract law enforcement personnel with the policies and procedures of the Corps of Engineers, and to familiarize Corps personnel with the functions and duties of the State or local law enforcement agency. The Corps of Engineers shall reimburse the contractor for the cost per man hour as set out in § 330.6(h)(4) for attending the orientation program.

(g) The contractor shall be required to keep a record of the services provided

to the District under the terms and conditions of the contract in accordance with the criteria established in the plan of operation required in § 330.6(h).

(h) The District Engineer, in cooperation with the Contractor, shall prepare a Plan of Operation for the provision of law enforcement services as an attachment to the contract. The Plan of Operation shall contain, but not necessarily be limited to, the following information:

(1) Identify, by name and location, the project or projects and specific areas (recreation and others) that require law enforcement services.

(2) Describe the normal law enforcement services to be provided by the Contractor without reimbursement by the Government (see § 330.6(e)). Identify time of day, number of hours-per-day, number of days-per-week, and the number of patrols.

(3) Describe the increased law enforcement services to be provided by the Contractor under the contract. Identify the time-of-day, number of hours-per-day, number of days-per-week, number of patrols, manpower per patrol, and effective starting and ending dates.

(4) Identify the cost-per-man-hour for the provision of reimbursable law enforcement services, and identify the costs for utilization and operation, maintenance and repair of such equipment as allocated for use under the contract. (See § 330.6(d).)

(5) The District Engineer and the Contractor should designate specific individuals to issue or receive requests for reimbursable law enforcement services under the contract.

(6) Describe the billing procedures to be utilized for the increased law enforcement services. The Contractor shall provide, at a minimum, the total charges, the number of hours involved, and starting and ending dates of the billing period.

(7) The Contractor shall prepare a Daily Law Enforcement Log (see § 330.6(g)) for the law enforcement services rendered as specified in § 330.6(h)(3). These logs shall be compiled by the Contractor and submitted to the District Engineer or his designated representative on a regular basis throughout the life of the contract. It is intended by this reporting requirement to minimize the paperwork burden on behalf of the Contractor while, at the same time, providing assurance to the Government with an adequate information base on which to administer the law enforcement services being provided under the contract. Any requirement for additional information to be contained in these reports due to unique or special circumstances encountered in negotiating a Plan of Operation with a particular law enforcement jurisdiction must receive the prior approval of the Division Engineer.

§ 330.7 Funding.

(a) Section 330.3(c) sets forth the maximum authorized funds for law enforcement contracting in FY 1978 and FY 1979. The Division funding levels for

FY 1978 are based on information as previously submitted.

(b) The FY 1979 funding request for law enforcement contracting will be submitted as part of the FY 1979 budget submittal.

§ 330.8 Annual report.

(RCS-DAEN-CWO-53) The Division Engineer will submit a consolidated annual report to reach HQDA (DAEN-CWO-R) WASH DC 20314 not later than 30 October. This requirement expires 30 October 1979. The report will contain the following:

(a) Districts reporting.
(b) Number assigned each contract.
(c) Name of projects covered under each contract.

(d) Number of man-hours of increased law enforcement services provided under each contract.

(e) Total contract cost.
(f) Cost per man-hour for each contract.

(g) Corps of Engineers administrative or overhead costs associated with each contract.

(h) Number of arrests and type of offense committed, i.e., assault, burglary, auto theft, etc.

(i) The Division Engineers assessment of the effects of the contract law enforcement program and recommendation.

[FR Doc.77-35011 Filed 12-7-77; 8:45 am]

[3410-02]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES)¹ DEPARTMENT OF AGRICULTURE

PART 26—GRAIN STANDARDS

Fees for Certain Grain Inspection Service
AGENCY: Federal Grain Inspection Service (FGIS), USDA.

ACTION: Final rule.

SUMMARY: This amendment makes the following general changes in the fees for grain inspection services performed by the FGIS in the United States:

1. Reduces the general level of fees for the original inspection of grain in trucks, trailers, railcars, and submitted samples.
2. Reduces the fees for protein inspections.
3. Increases the general level of fees for the inspection of grain in barges, ships, and bins, and changes the method of stating the fees.
4. Increases the minimum fee per inspection request for grain in barges, ships, and bins.
5. Terminates the separate lists of fees for contract, noncontract, regular and nonregular workday inspection services in the United States, and establishes one list of fees for original inspection services and one list of fees for reinspection and appeal inspection services in the United States.

¹ Includes matters within the responsibility of the Federal Grain Inspection Service.

The reason for these amendments is discussed below in the "Supplementary Information".

DATES: The changes in fees become effective January 9, 1978. Briefing Meetings: December 16, 1977 at Washington, D.C. December 20, 1977 at Houston, Tex. December 22, 1977 at Chicago, Ill.

ADDRESSES: In order to better acquaint the users of the service and the public with the details of the changes, briefing meetings will be held as follows:

December 16, 1977, 9-12:30 p.m., Room 2096, 12:30-3 p.m. Room 4306, South Agriculture Building, 14th and Independence Avenue, SW., Washington, D.C.

December 20, 1977, 10 a.m., Helena Motel, 145 at South Wayside, Banquet Room, Houston, Tex. 77011, 713-921-7155.

December 22, 1977, 2 p.m., 5th floor Training Room, Chicago Board of Trade, 141 W. Jackson Blvd., Chicago, Ill. 60604, 312-435-3500.

FOR FURTHER INFORMATION CONTACT:

William J. Cotter (Inspection Division), U.S. Department of Agriculture, FGIS, 14th and Independence Avenue, SW., South Agriculture Building, Room 0630, Washington, D.C. 20250, 202-447-8497.

SUPPLEMENTARY INFORMATION: Pursuant to the authority in sections 7, 7A, 7B and 16 of the United States Grain Standards Act (7 U.S.C. 71 et. seq., as amended by Pub. L. 94-582 (90 Stat. 2867)), the Federal Grain Inspection Service (FGIS) is amending §§ 26.71 and 26.72 of the regulations (7 CFR, 26.71 and 26.72) under the Act to revise or restate the fees for grain inspection, weighing and related services performed in the United States by representatives of FGIS.

The United States Grain Standards Act, as amended, authorizes the charging and collection of fees for the inspection and weighing of grain and related services performed by representatives of the FGIS. Further, the Act provides that the fees shall be reasonable to cover the estimated costs to the FGIS incident to the performance of official inspection activities. Original inbound and outbound grain inspection services have been performed by the FGIS at one or more export port locations since January 1, 1977.

Federal fees under the U.S. Grain Standards Act were published in the FEDERAL REGISTER of January 5, 1977 (42 FR 1019-1022). In publishing the fees, it was indicated that in some instances the information used as a basis for the fees consisted of estimates based on time studies and on expected volume and cost. It was also indicated that further evaluations of the fees would be made and the fees would be adjusted, as needed.

Accordingly, the FGIS inspection fees in the U.S. are amended for the foregoing and following reasons:

(1) *Fees for original inspection services in trucks, trailers, railcars, submitted*

samples, barges, ships and bins. The present method of computing the FGIS fees for inspection has made it difficult for applicants to evaluate FGIS fees in relation to the volume method (cost per bushel) currently used by State and other non-Federal official inspection agencies. Further, the hourly method of stating the fees for contract, noncontract, regular workday, and nonregular workday inspection services has increased the bookkeeping and related activities with attendant costs to the FGIS. The revised FGIS original inspection fees for the inspection of grain in trucks, trailers, railcars, submitted samples, barges, ships and bins have been apportioned in a manner equitable to the grain industry to reflect the utilization of the inspection service and to recover FGIS cost.

(2) *Fees for protein testing.* The present FGIS fees for protein testing were based on the assumption that (a) the volume of FGIS testing would be relatively small and (b) the testing would not be performed on site. Experience has shown that the volume of testing will be larger than anticipated and the testing will generally be performed on site. Consequently, the fees for protein tests have been reduced.

(3) *Minimum fee for certain service requests.* The present minimum fee per service request for grain in barges, ships and bins was based on the assumption that only 1 hour per FGIS representative will be expended. In practice, the minimum time spent in responding to such service requests averages about 2 hours per FGIS representative. Based on this experience, the minimum fee per service request has been increased to a 2 hour minimum.

(4) *Fees for contract, noncontract, regular workday and nonregular workday inspection services.* When the present FGIS fees were adopted, it was believed that a permissive contract-type arrangement for original FGIS inspection services would (a) reduce the FGIS operating costs and facilitate planning for staffing needs by the FGIS and (b) reduce inspection costs and help assure continuity of inspection services to applicants who entered into the contract arrangement.

The contract-type arrangement has resulted in an unduly complicated fee schedule, has increased the bookkeeping and related activities in the FGIS offices, and has been used by only a very few applicants. Further, the reduction in fees for the original inspection of grain in trucks, trailers and railcars will generally eliminate the cost-saving features of the contract-type arrangement. For these reasons, the contract-type arrangement for FGIS inspection services in the U.S. and the fees for such services are being terminated. The termination will not affect the permissive contract-type arrangement for FGIS weighing services in the United States or the permissive contract-type arrangement for FGIS inspection and weighing in Canada.

Also, when the present FGIS fees were established, it was believed that the difference in the FGIS operating costs for regular workday and nonregular workday inspection services warranted separate fees. Experience has shown such separation is not practical for either FGIS or the users of the service and has resulted in an unduly complicated fee schedule and increased the bookkeeping and related activities in the FGIS offices. For these reasons, FGIS is establishing one list of fees for original inspection services and one list of fees for reinspection and appeal inspection services in the United States. The fees for regular workday and for nonregular workday inspection services are being terminated, and related changes are being made in the explanation of the costs included in the fees, section 26.72(a). Such termination will not affect the availability of inspection services during regular and nonregular workdays, or affect the fees for regular and nonregular workday FGIS weighing services in the United States or the fees for regular workday and nonregular workday FGIS inspection and weighing services in Canada.

The changes adopted herein are based on estimated volumes, costs, and income, including the cost of a Federal pay increase effective on October 9, 1977, and a supplemental appropriation for supervision costs in fiscal year 1978. The changes are expected to generate income adequate for fiscal year 1978 operating costs plus a nominal operating reserve.

Further evaluations will be continued and further adjustments will be made, as needed, to apportion the fees in a manner equitable to the grain industry to reflect the utilization of the inspection service and to recover the cost to the FGIS for providing the service.

The costs to the FGIS of providing the services for which fees are prescribed in this document are matters known only to the FGIS and collection of fees for such a cost is prescribed by law. Therefore, it is found upon good cause that publication of a notice of proposed rulemaking and other public procedures on the provisions of §§ 26.71 and 26.72 of the regulations as set forth in this document are impracticable and unnecessary and good cause is found for making certain provisions effective 30 days after publication thereof.

Accordingly, pursuant to sections 7(j) (1) and 16 (U.S.C. 79, 79a, 79b and 87e) of the United States Grain Standards Act, as amended (90 Stat. 2873, 2884), §§ 26.71(a), 26.72(a) and 26.72(b) of the regulations (7 CFR 26.71(a), 26.72(a), and 26.72(b)) under the Act are hereby amended or restated to read as follows:

§ 26.71 Federal services.

(a) The fees shown in Schedules A and B apply to FGIS grain inspection and weighing services in the United States and Canada.

SCHEDULE A.—Fees for FGIS grain inspection and weighing services in the United States¹

TABLE 1

Inspection services (bulk or sacked grain)	Original inspection	Reinspection or appeal inspection ^{2,3}
(1) Official sample-lot inspection (sec. 26.6) (white certificate):		
(i) For official grade and official factor determinations:		
(A) Based on official sample (fee includes cost of sampling):		
(1) Truck or trailer (per truck or trailer or part truck or part trailer)....	\$6.50	\$16.00
(2) Boxcar (per car or part car).....	10.00	19.00
(3) Hopper car (per car or part car).....	13.50	23.80
(4) Barge (per 1,000 bushels or fraction thereof).....	2.85	3.50
(5) Ship, bin, and all other lots (per 1,000 bushels or fraction thereof)....	2.85	3.50
(B) Based on official file sample (any lot or part lot, per sample).....	(4)	13.50
(ii) For official factor or other criteria determinations:		
(A) Based on sample used for official grade and official factor determinations:		
(1) Factor determinations (per factor).....	4.20	5.45
(2) Protein test (per sample).....	3.35	4.35
(3) Aflatoxin test (per sample):		
(i) Florisil method.....	12.60	12.60
(ii) TLC (thin layer chromatography method).....	18.80	18.80
(B) Based on new sample (any lot or part lot).....	(3)	(4)
(2) Special inspection services (quality information, sampling, stowage examination, testing of inspection equipment, demonstrating official inspection functions, furnishing standard illustrations, and related services (sec. 26.6) (per man-hour per FGIS representative) ⁴	16.80	21.80
(3) Warehousemen's sample-lot inspection (sec. 26.6) (yellow certificate) or submitted sample inspection and type sample-lot inspection (sec. 26.6) (pink certificate):		
(i) For official grade and official factor determinations (per sample).....	5.50	13.50
(ii) For official factor or other criteria determinations:		
(A) Factor determinations (per factor).....	4.20	5.45
(B) Protein test (per sample).....	3.35	4.35
(C) Aflatoxin test (per sample):		
(1) Florisil method.....	12.60	12.60
(2) TLC (thin layer chromatography method).....	18.80	18.80
(4) Minimum fee per service request (applicable only when request is cancelled after FGIS representative arrives at point of service—fee does not include standby):		
(i) Grain in trucks, trailers, boxcars, or hopper cars.....	(7)	(7)
(ii) All other grain (per FGIS representative).....	33.60	43.60
(5) Standby (per man-hour per FGIS representative) ⁵	16.80	21.80

Footnotes at end of Table 2.

TABLE 2

Weighing services (bulk or sacked grain)	Original weighing or appeal weighing ²					
	Designated inspection point				Noninspection point	
	Contract service		Noncontract service		Contract service	
	Regular workday	Non-regular workday	Regular workday	Non-regular workday	Regular workday	Non-regular workday
(1) Official weighing or supervision of weighing (per man-hour per FGIS representative).....	\$14.00	\$18.00	\$16.00	\$20.00	\$14.00	\$18.00
(2) Special weighing services (determining weighing service eligibility, testing of weighing equipment, check-weighing grain, checkloading sacked grain, demonstrating official weighing functions, and related services) (per man-hour per FGIS representative) ⁴	14.00	18.00	16.00	20.00	14.00	18.00
(3) Minimum fee per service request (applicable only when request is cancelled after FGIS representative arrives at point of service—fee does not include standby) (per FGIS representative).....	(4)	18.00	16.00	20.00	(4)	18.00
(4) Standby (per man-hour per FGIS representative) ⁵	(4)	18.00	16.00	20.00	(4)	18.00
(5) Carrier condition and/or scale record report (not available as a single service).....	(2)	(4)	5.00	5.00	(2)	(4)

¹ The fees include the cost of performing official inspection and weighing functions by FGIS representatives. For incidental costs included in the fees, and fees in addition to the unit and the hourly fees, see sec. 26.72, paragraphs (a) and (b).

² It is found that there was a material error in the inspection or weighing from which a reinspection, an appeal inspection or weighing, or a Board appeal inspection is taken, the specified reinspection, appeal inspection or weighing, or Board appeal inspection fee shall not be assessed. (But see sec. 26.72(b) for fees that are assessed in all instances.)

³ Board appeal inspections are based on file samples. The fee for Board appeal inspections shall be \$34 per sample.

⁴ Not applicable.

⁵ Same fees as in (1) (ii) (A), plus applicable sampling charge—see (2).

⁶ Only one inspection or weighing fee, as applicable, will be charged for these services whether performed singly or concurrently.

⁷ The unit fee.

⁸ For application of fee for standby, see sec. 26.73(b).

⁹ No charge.

SCHEDULE B.—Fees for FGIS grain inspection and weighing services in Canada¹

TABLE 1

Inspection services (bulk or sacked grain)	Original inspection or reinspection ²				Appeal inspection ^{2,3}	
	Contract service		Noncontract service		Regular workday	Nonregular workday
	Regular workday	Nonregular workday	Regular workday	Nonregular workday		
(1) Official sample-lot inspection (sec. 26.6) (white certificate):						
(i) For official grade and official factor determinations:						
(A) Based on new sample (any lot or part lot) (per man-hour per FGIS representative).....	\$18.00	\$22.00	\$22.00	\$26.00	(4)	(4)
(B) Based on official file sample (any lot or part lot, per sample, except as noted). (Not available on original inspection).....	\$18.00	\$22.00	22.00	26.00	\$32.00	\$36.00
(ii) For official factor or other criteria determination:						
(A) Based on sample used for official grade and official factor determinations (any lot or part lot):						
(i) Factor determinations (per factor, except as noted).....	\$18.00	\$22.00	4.00	5.00	5.25	6.25
(2) Protein test (per sample).....	11.50	13.50	11.50	13.50	11.50	13.50
(3) Aflatoxin test (per sample):						
(i) Florisil method.....	12.00	15.00	12.00	15.00	12.00	15.00
(ii) TLC (thin layer chromatography method).....	18.00	22.00	18.00	22.00	18.00	22.00
(B) Based on new sample (any lot or part lot).....	(4)	(4)	(4)	(4)	(4)	(4)
(2) Special inspection services (quality information, sampling, stowage examination, testing of inspection equipment, demonstrating official inspection functions, furnishing standard illustrations, and related services (sec. 26.6) (per man-hour per FGIS representative) ⁷	18.00	22.00	22.00	26.00	22.00	26.00
(3) Submitted sample inspection and type sample-lot inspection (sec. 26.6) (pink certificate):						
(i) For official grade and official factor determination (per sample, except as noted).....	\$18.00	\$22.00	22.00	26.00	32.00	36.00
(ii) For official factor or other criteria determinations:						
(A) Factor determinations (per factor, except as noted).....	\$18.00	\$22.00	4.00	5.00	5.25	6.25
(B) Protein test (per sample).....	11.50	13.50	11.50	13.50	11.50	13.50
(C) Aflatoxin test (per sample):						
(i) Florisil method.....	12.00	15.00	12.00	15.00	12.00	15.00
(2) TLC (thin layer chromatography method).....	18.00	22.00	18.00	22.00	18.00	22.00
(4) Minimum fee per service request (applicable only when request is cancelled after FGIS representative arrives at point of service—fee does not include standby):						
(i) Services covered by unit fee.....	(4)	\$22.00	(4)	(4)	(4)	(4)
(ii) Services covered by hourly fee (per FGIS representative).....	(4)	22.00	22.00	26.00	32.00	36.00
(5) Standby (per man-hour per FGIS representative) ¹⁰	(4)	22.00	22.00	26.00	(4)	(4)

Footnotes at end of Table 2.

TABLE 2

Weighing Services (Bulk or Sacked Grain)	Original Weighing or Appeal Weighing ²			
	Contract Service		Noncontract Service	
	Regular Workday	Non-regular Workday	Regular Workday	Non-regular Workday
(1) Official weighing (per man-hour per FGIS representative).....	\$20.00	\$24.00	\$25.00	\$29.00
(2) Special weighing services (determining weighing service eligibility, testing of weighing equipment, checkweighing sacked grain, checkloading sacked grain, demonstrating official weighing functions, and related services) (per man-hour per FGIS representative) ⁷	20.00	24.00	25.00	29.00
(3) Minimum fee per service request (applicable only when request is cancelled after FGIS representative arrives at point of service—fee does not include standby) (per FGIS representative).....	(4)	24.00	25.00	29.00
(4) Standby (per man-hour per FGIS representative) ¹⁰	(4)	24.00	25.00	29.00

See footnotes on page 61991.

¹ The fees include the cost of performing official inspection and weighing functions by FGIS representatives. For incidental costs included in the fees, and fees in addition to the unit and the hourly fees, see sec. 26.72, paragraphs (a) and (b). If both inspection and weighing services are performed concurrently by a service representative, and hourly fees are applicable, one-half of the working time will be assessed for inspection services and one-half will be assessed for weighing services.

² If it is found that there was a material error in the inspection or weighing from which a reinspection or an appeal inspection or weighing is taken, the specified reinspection or appeal inspection or weighing fee shall not be assessed. (But see sec. 26.72(b) for fees that are assessed in all instances.)

³ Appeal inspections from original inspections or reinspections for grade and/or factor determinations are based on file samples.

⁴ Not applicable.

⁵ Per man-hour.

⁶ Same fees as in (1)(i)(A), plus applicable sampling charge—see (2).

⁷ Only one inspection or weighing fee, as applicable, will be charged for these services whether performed singly or concurrently.

⁸ Per FGIS representative.

⁹ The unit fee.

¹⁰ For application of fee for standby, see sec. 26.73(b).

§ 26.72 Federal services: Explanation of fees.

(a) *Costs included in fees.* The fees specified in § 26.71(a) for inspection, weighing and related services include (1) the cost of per diem or subsistence during travel and the cost of transportation to perform the service requested; (2) callback payments to FGIS employees; (3) postage and other delivery costs; and (4) except as provided in subparagraph (b) (2), the cost of certification. The fees for inspection services in the United States, and the fees for nonregular workday weighing services in the United States, and for nonregular workday inspection and weighing services in Canada also include the cost of overtime.

(b) *Fees in addition to unit and hourly fees.* (1) Fees for standby shall be assessed in all cases except no fee shall be assessed for standby performed during a regular workday under a service contract for weighing services in the United States and for inspection and weighing services in Canada.

(2) The original and three copies of each original, divided-original, reinspection, appeal or Board appeal certificate shall be issued to the applicant of record or to his order. For an appeal or Board appeal, a copy of each certificate or divided-original certificate shall also be issued to each respondent of record or to his order. The fee for additional copies furnished on request of an applicant or a respondent shall be \$2.50 per copy.

Dated: November 30, 1977.

L. E. BARTELT,
Administrator,
Federal Grain Inspection Service.

[FR Doc.77-35004 Filed 12-7-77;8:45 am]

[3410-02]

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

[Navel Orange Reg. 418; Navel Orange Reg. 417, Amdt. 1]

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 action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period December 9–15, 1977, and increases the quantity of such oranges that may be so shipped during the period December 2–8, 1977. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective December 9, 1977, and the amendment is effective for the period December 2–8, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

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 December 6, 1977, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is generally good, with the market showing more stability.

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

tion and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.718 Navel Orange Regulation 418.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period December 9, 1977, through December 15, 1977, are established as follows:

- (1) District 1: 1,001,000 cartons;
- (2) District 2: unlimited movement;
- (3) District 3: 99,000 cartons.

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

The provisions of paragraphs (a) (1), (2), and (3) in § 907.717 Navel Orange Regulation 417 (42 FR 61030), are hereby amended to read:

- (1) District 1: 1,035,000 cartons;
- (2) District 2: unlimited movement;
- (3) District 3: 115,000 cartons.

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

Dated: December 7, 1977.

FLOYD F. HEDLUND,

Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[FR Doc.77-35373 Filed 12-7-77;11:36 am]

[3128-01]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION¹

PART 450—ENERGY MEASURES AND ENERGY AUDITS

Revision to Energy Measures List

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: After consultation with the Secretary of Housing and Urban Development, the Department of Energy is revising the list of energy conservation measures and renewable-resource energy measures published as a final rule in the FEDERAL REGISTER on July 25, 1977, by changing the designation of air source heat pumps and water source heat pumps from renewable-resource energy measures to energy conservation measures. The Department of Energy also is deleting the Table of Climatic Factors for an air source heat pump and is making the eligibility of an air source heat pump as an energy conservation measure contingent upon the results of a verification audit.

¹ EDITORIAL NOTE.—Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.

DATE: Effective date, December 2, 1977.
FOR FURTHER INFORMATION CONTACT:

Allen Jaisle, Office of Conservation and Solar Applications, Department of Energy, 1200 Pennsylvania Avenue NW., Room 6521, Washington, D.C. 20461, 202-566-7501.

Jim Merna, Office of Communications and Public Affairs, Department of Energy, 1200 Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

SUPPLEMENTARY INFORMATION:

1. Introduction.
2. Section 450.31, Energy Conservation Measures, and Section 450.32, Requirements and Limitations for Energy Conservation Measures.

1. INTRODUCTION

On August 18, 1977, the Federal Energy Administration (FEA) published a notice of proposed rulemaking, 42 FR 41645 et seq., to amend Part 450, Chapter II of Title 10, Code of Federal Regulations, to change the designation of air source heat pumps and water source heat pumps from renewable-resource energy measures to energy conservation measures and to reduce the numerical values for the Table of Climatic Factors for an air source heat pump. The notice was issued after consultation with the Department of Housing and Urban Development, under Section 432(d), 42 U.S.C. 6325(e) (1) of the Energy Conservation and Production Act (ECPA), Pub. L. 94-385, 90 Stat. 1125 et seq., which amends Part C of Title III of the Energy Policy and Conservation Act, 42 U.S.C. 6421-6326. On October 1, 1977, the Department of Energy (DOE) assumed FEA's authority under ECPA with regard to the energy measures list, pursuant to Section 301 of the Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 et seq.

FEA solicited comments on the proposed revision from interested persons by September 16, 1977, the close of the comment period. Ten comments, including several late comments, were received and considered. This final rule reflects DOE's consideration of these comments as well as other information.

Six comments suggested that several modifications not previously proposed by FEA be added to the list as energy conservation measures. Under ECPA, DOE can only add modifications to or remove modifications from the energy measures list if a rulemaking procedure is initiated for that purpose. For that reason, the suggested additions are outside the scope of this rulemaking. Should DOE decide to revise the energy measures list, by rule, in the future for the purpose of adding new items, these additional modifications will be considered at that time.

Two comments suggested that oil or gas fired heat pumps be allowed to replace electric resistance heating systems since these kinds of heat pumps currently are being developed for production in 1980 or later. DOE notes that no such heat pumps currently are commercially

available, which makes it difficult to accurately assess their energy and cost savings. More importantly, the replacement of electric resistance heating systems with oil or gas fueled systems would be an ineligible conversion under 10 CFR 450.4(b) since this would result in increased consumption of oil or gas at the building site.

One comment suggested that an electric heat pump should not be allowed to replace existing oil and gas equipment because this would involve an ineligible conversion of an energy source under 10 CFR 450.4(b). The comment argued that more oil and gas may be consumed to generate the electricity to run an electric heat pump than may be currently consumed by the existing oil or gas equipment which would be replaced. However, under 10 CFR 450.4(b), replacement of oil or gas equipment by an electric heat pump does not constitute an ineligible conversion because the modification does not increase the consumption of petroleum products or natural gas at the building or industrial plant site where it is installed.

The real issue is whether the replacement of an oil or gas system by an electric heat pump will result in energy savings, expressed in Btu's. This is addressed by the primary purpose criterion in 10 CFR 450.4(a) which provides, in part, that "the primary purpose of a modification shall be an improvement in energy use efficiency." This requirement will be satisfied in this application if energy savings can be shown for the modification by a verification audit. 10 CFR 450.21(b)(5)(i) establishes the factor of 10,500 Btu per kilowatt-hour for evaluating the energy value of electricity in a verification audit. This factor includes the energy required to generate and distribute electric energy to the building or plant site.

2. SECTION 450.31, ENERGY CONSERVATION MEASURES, AND § 450.32, REQUIREMENTS AND LIMITATIONS FOR ENERGY CONSERVATION MEASURES

Most of the comments received dealt with two issues: (1) changing the designation of heat pumps from renewable-resource energy measures to energy conservation measures; and (2) the values in the Table of Climatic Factors on which cost recovery calculations for air source heat pumps were based.

A. CHANGE IN HEAT PUMP DESIGNATION

Nine comments opposed the change in the designation of air and water source heat pumps. Five comments suggested that the change would place heat pumps at an unfair disadvantage, generally favoring solar energy systems, electric resistance systems, and oil furnaces. Although the change in designation may affect the market interrelationships of various energy measures, this change was deemed necessary to provide a more accurate categorization of heat pumps.

Two comments opposing the change in designation stated that FEA had underestimated the proportion of nondepletable energy used by heat pumps and over-

estimated the proportion of nondepletable energy used in solar space heating systems. Both comments suggested that a more realistic range for heat pumps is 50-67 percent. One comment suggested that the proportion of nondepletable energy used by solar space heating systems is 75-83 percent, while the other comment suggested a figure of 75 percent.

DOE notes that these comments did not contain information explaining how these estimates were calculated, which makes an evaluation of the estimates difficult to perform. It is possible that standby or backup energy consumption was included in the comments' relatively low estimates of nondepletable energy use for solar heating systems.

As stated in the proposed rulemaking to revise the energy measures list, DOE concluded that a typical heat pump with a coefficient of performance of 2.0 derives 50 percent of the total energy consumed from a nondepletable energy source. This proportion can vary from 23-68 percent for commercially available heat pumps with coefficients of performance ranging from 1.3 to 3.1. Even if DOE were to accept the comments' estimates of the proportion of nondepletable energy used by solar space heating systems (75-83 percent), and the estimates for heat pumps (50-67 percent), DOE's determination that heat pumps use significantly less nondepletable energy than the other systems in the renewable-resource energy measure category would remain unchanged. For this reason, DOE believes heat pumps are more properly classified as an energy conservation measure than as a renewable-resource measure.

B. DELETION OF TABLE OF CLIMATIC FACTORS

FEA received five comments opposing the reductions in the seasonal performance factors (SPF's) in the Table of Climatic Factors. These proposed revisions were based on a draft study performed for the Energy Research and Development Administration (ERDA) by Gordian Associates, Inc. under Contract No. E(49-18)-2121. After evaluating the comments—and after consultation with the National Bureau of Standards, ERDA, and Gordian Associates, Inc.—DOE has determined that a number of technical and methodological problems must be resolved before a reasonably precise set of SPF's for heat pumps can be derived. For this reason, DOE has determined at the present time to delete the Table of Climatic Factors and to require verification audits for air source and water source pumps.

The National Bureau of Standards currently is working to develop a standardized procedure for calculating SPF's for heat pumps. Until such a standardized procedure is developed, DOE believes that air source heat pumps as well as water source heat pumps should be evaluated on a case-by-case basis using the verification audit procedure prescribed in Subpart C of Part 450.

The proposed rulemaking for the energy measures list was reviewed in accordance with Executive Order 118211,

as amended by Executive Order 11949 and OMB Circular A-107, and was determined not to be a major proposal requiring an evaluation of its economic impact. This revision contains no changes which would alter this determination.

(Part B of Title IV of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 et seq.; also issued under Part C, Title III of the Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 871 et seq. (42 U.S.C. 6321 et seq.); Federal Energy Administration Act of 1974, as amended, Pub. L. 93-275 (15 U.S.C. 761 et seq.); Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 et seq. (42 U.S.C. 7101 et seq.); EO 11790, 39 FR 23185.)

In consideration of the foregoing, Part 450 of Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below effective immediately.

Issued in Washington, D.C., December 2, 1977.

WILLIAM S. HEFFELFINGER,
Director of Administration,
Department of Energy.

§ 450.32 [Amended]

1. 10 CFR 450.32 is amended by adding paragraphs (u) and (v) as follows—

(u) An air source heat pump must be evaluated by a verification audit in accordance with the procedures in Subpart C of this part to determine whether savings in a specific application are sufficient to recover the costs of purchase and installation within its attributed life.

(v) A water source heat pump must be evaluated by a verification audit in accordance with the procedures in Subpart C of this part to determine whether costs savings in a specific application are sufficient to recover the costs of purchase and installation within its attributed life.

§ 450.33 [Amended]

2. 10 CFR 450.33 (b) and (c) are redesignated as 10 CFR 450.31 (u) and (v) respectively.

3. 10 CFR 450.33 is amended to read in appropriate alphabetical sequence.

§ 450.34 [Amended]

4. 10 CFR 450.34(a) is amended by deleting the words "paragraphs (b) or (c)" and substituting the words "paragraph (b)" instead.

5. 10 CFR 450.34(c) is deleted.

[FR Doc. 77-35104 Filed 12-5-77; 12:57 pm]

[4910-13]

Title 14—Aeronautics and Space
CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-CE-23-AD; Amdt. 39-3092]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 50, 65 and 70 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to all Beech 50, 65 and 70 series airplanes, which requires repetitive inspections of the engines, nacelles, main landing gear wheel wells and wing root areas for the detection and correction of discrepancies and deficiencies that could result in inflight fires. In addition the AD recommends verification that inflight fire emergency procedure instructions and certain fire shields are installed in the airplane. The intent of this amendment is to prevent inflight fires and to provide additional protection should a fire occur.

EFFECTIVE DATE: December 12, 1977.

COMPLIANCE SCHEDULE: As prescribed in the body of the AD.

ADDRESSES: Any Beechcraft Service Instructions noted in this AD may be obtained from local Beechcraft Aviation Centers (Dealers) or Beech Aircraft Corp., Commercial Service Department, 9709 East Central, P.O. Box 85, Wichita, Kans. 67201. Copies of the above service instructions are contained in Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C., and at the Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Mo. 64106.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: There have been three reports involving Beech 50 and 65 series airplanes in 1977 in which inflight fires occurred. These fires were caused or contributed to by leakage of flammable fluids in the engine nacelles and main landing gear wheel wells. The FAA has issued several previous ADs pertaining to inflight fire occurrences in these airplanes, AD 72-18-7 (37 FR 18030); AD 72-18-8 (37 FR 18030, 18031); AD 73-23-4 as amended (38 FR 30867, 39 FR 2469, 39 FR 13072, 13073); AD 76-13-03 (41 FR 25997). Investigation of the three reports indicates that further airworthiness directive action is required to prevent unwanted leakage and collection of flammable fluids. Based on said investigations the most effective means to accomplish the action is to specify and consolidate in one document certain existing inspection procedures and requirements that are critical to this problem. In addition the inspection procedures and requirements will assure integrity of engine firewalls and other fire protection components. Accordingly, an AD is being issued, applicable to all Beech 50, 65 and 70 series airplanes. The AD will require repetitive inspections of the engines, nacelles, landing gear wheel wells and wing root areas for the detection of flammable fluid leaks, and/or deteriorated components, hoses or lines carrying flammable

fluids and the correction thereof as necessary. The AD will also recommend verification that ADs 72-18-7, 72-18-8, 73-23-4 and 76-13-03 have been accomplished. The FAA has coordinated this document with the manufacturer prior to its issuance. The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 552 (b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal authors of this document are: William L. Schroeder, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

ADOPTION OF THE AMENDMENT

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

BEECH: Applies to the following models and serial number airplanes certified in all categories:

APPLICABILITY STATEMENT

Model:	Serial numbers
50	H-1 through H-11.
B50	CH-12 through CH-110.
C50	CH-111 through CH-360.
D50	DH-1 through DH-154.
D50A	DH-155 through DH-198.
D50B	DH-199 through DH-236.
D50C	DH-237 through DH-300.
D50E	DH-301 through DH-347.
E50	EH-1 through EH-70.
F50	FH-71 through FH-96 except FH-94.
G50	GH-94, GH-97 through GH-119.
H50	HH-120 through HH-149.
J50	JH-150 through JH-176.
65	L-1, L-2, L-6, LP-7 and after and LC-1 through LC-239.
A65	LC-240 through LC-272, LC-325 through LC-335 and after.
A65-8200	LC-273 through LC-324.
65-80	LD-1 through LD-150 except LD-34 and LD-46.
65-A80 and 65-A80-8800.	LD-34, LD-46, LD-151 through LD-269.
65-B80	LD-270 through LD-508
65-88	LP-1 through LP-47 except LP-27 and LP-29.
70	LB-1 through LB-35 and after.

COMPLIANCE: Required as indicated unless already accomplished.

To prevent or reduce the possibility of inflight fires in the engine compartment and main landing gear wheel wells accomplish the following:

(A) On all airplane models and serial numbers set forth in the applicability statement, within 25 hours time-in-service after the effective date of this AD and each 100 hours time-in-service thereafter accomplish the following:

1. Open cowl doors, remove augmentor covers, inspection plate over oil tank and oil scupper hose, canvas covers over fuel selec-

tors (if installed) and on Model 65-88 remove the cover over the hydraulic driven cabin pressurization compressor.

2. Visually inspect the engine components in the left and right engine compartments as follows:

a. Drain plugs, filter and filter screen housings, and strainers for:

- (1) Security of attachment.
- (2) Leakage.
- (3) Dirt accumulation.

b. Engine cylinders for:

- (1) Cracks.
- (2) Leakage.
- (3) Security of attachment of cylinder hold down nuts.

(4) Security of attachment of cooling air baffles.

c. Engine induction system for:

- (1) Security of attachment.
- (2) Leakage.

d. Engine fuel system from induction/induction area to supercharger to cylinder intakes, including hoses for:

- (1) Security of attachment.
- (2) Leakage.
- (3) Evidence of deterioration such as stiffness, discoloration and cracks.
- (4) Damage such as cuts, bulges, chafing and excessive wear.
- (5) Tightness of line and hose fittings or connections.

NOTE: (Fire sleeves on hoses need not be removed for this inspection.)

e. Fuel lines forward of the firewall to the engine driven pump, cabin heater system, fuel pressure meter, primer solenoid, primer lines, modulator and fuel flow transmitter lines, fuel return line and fuel lines through the induction/supercharger area; and oil lines forward of the firewall to the oil cooler from engine and firewall, oil pressure gauge lines, oil supply line and oil vent lines to the firewall and overboard; and hydraulic system lines forward of the firewall; and propeller accumulator line for:

- c. Engine induction system for:
- (1) Evidence of deterioration such as stiffness, discoloration, cracks, leaks, and seepage.
- (2) Damage such as cuts, bulges, chafing, and excessive wear.
- (3) Tightness of line and hose fittings or connections.

NOTE: (Fire sleeves need not be removed for this inspection.)

f. Exhaust system stacks and augmentors for:

- (1) Security of attachment.
- (2) Cracks and bulges.
- (3) Alignment.

g. Propeller governor, propeller piston dome, fuel pumps, engine controls, fuel pump heat shield, wiring protected by glass cloth and hydraulic pump for:

- (1) Security of attachment.
- (2) Leakage.
- (3) Mechanical damage.
- (4) Proper operation.

3. Visually inspect the left and right engine cowling for:

a. Oil, fuel or dirt accumulation and source of same.

b. Drain lines forward of the firewall for:

- (1) Evidence of deterioration such as stiffness, discoloration, cracks, leaks, and seepage.
- (2) Damage such as cuts, bulges, chafing, and excessive wear.
- (3) Tightness of line and hose fittings or connections.

c. Obstructions in drain holes in the bottom of the cowling.

4. Visually inspect the front and back side of the firewall in the left and right engine compartments for:

a. Oil, fuel and dirt accumulation and source of same.

b. Missing, cracked or deteriorated grommets in the firewall.

c. Open or unused holes in the firewall. Plug or patch any open holes in the firewall with stainless steel rivets and/or stainless steel sheet of the same thickness as the firewall.

5. Visually inspect the following components located aft of the firewalls in left and right engine nacelles:

a. Fuel lines from cells to selectors (both main fuel line and return lines).

b. Fuel return line from firewall to selector.

c. Fuel lines to fuel pressure transmitter.

d. Fuel lines to fuel flow transmitter.

e. Oil lines to tank.

f. Drain lines.

g. Hydraulic lines from shutoff.

h. Hydraulic lines from reservoir.

i. Hydraulic lines from compressor.

j. Hydraulic lines from cooler.

k. Hydraulic lines from filter.

l. Brake lines.

m. Propeller accumulator lines for:

(1) Evidence of deterioration such as stiffness, discoloration, cracks, leaks, and seepage.

(2) Damage such as cuts, bulges, chafing, and excessive wear.

(3) Tightness of line and hose fittings or connections.

NOTE: (Fire sleeves need not be removed for this inspection.)

6. Visually inspect the left and/or right battery(s) for open vents, cleanliness and tightness of terminals.

7. Visually inspect the fuel selector valve, hydraulic cabin pressurization system reservoir, landing gear oleo struts, doors, oil tanks, oil tank caps and wiring, as applicable, in left and right main landing gear wheel wells for:

- a. Leaks.
- b. Security of attachment.
- c. Mechanical damage.
- d. Operation.
- e. Accumulation of dirt, oil and fuel.
8. Visually inspect the left and right nacelle and wheel well area for accumulation of dirt, oil and fuel.

9. Visually inspect wing root and outside nacelle areas of left and right wing for:

a. Proper installation, security and cleanliness of Beech P/N 65-9008-1 or 65-9008-3 fire seal kits, as applicable.

b. Fuel stains and/or wetness of the lower wing skins caused by fuel cell seepage.

c. Fuel cells, at areas accessible without removing cells, for cracks, brittleness, leakage and general condition.

d. Vents plugged by foreign material.

e. Leaks around fittings, pumps, liquidometers and fuel cells for cracks, wear or chafing in these areas.

f. Areas where previous repairs to fuel cells have been made for leakage.

10. Perform a fuel system leak inspection for left and right engine fuel system installations as follows:

a. Place mixture control for left and right engine in "idle cutoff" position.

b. Place fuel selector valves in "main" or "on" position.

c. Turn fuel boost pumps "on".

d. Visually inspect all fuel lines and fittings in the wheel wells and engine compartment between the fuel boost pumps and the fuel control unit for fuel leaks while

the boost pumps are on. Correct any leaks prior to approval for return of the airplane to service.

NOTE.—After pressure testing fuel lines, allow sufficient time for possible excess fuel to drain overboard from engine manifolds before attempting an engine start.

e. Upon completion of the inspections in paragraph (A) 10. a., b., c. and d., reinstall left and right augmentor covers and any other items which may have been removed, close cowling doors, start left and right engines and operate at 1500 RPM and cycle propellers in and out of feather position several times.

f. Test for clean engine shutdown by moving mixture control of left and right engines to "idle cutoff". If engines do not give clean shutdown, determine what the problem is and repair as required prior to approval for return of the airplane to service.

g. Open cowlings and visually inspect engine compartment, area aft of firewall and main gear wheel well areas for fuel or oil leaks. Correct any leaks found prior to approval for return of the airplane to service.

h. Restart left and right engines and test for clean engine shutdown by moving fuel selectors to "off" position. If engines do not give a clean shutdown, determine what the problem is and repair as required prior to approval for return of the airplane to service.

i. If installed, visually inspect fire detectors for location and security and inspect fire detector wiring for breaks, chafing or shorts.

j. If installed, visually inspect fire bottles for proper charge and check bottle wiring and plumbing for breaks, grounds or chafing.

(B) On Models 65 (S/N's L-1, L-2, L-6, LF-7, LF-8 and LC-1 through LC-239), A65 and A65-8200 (S/N's LC-240 through LC-335), 65-80, 65-A80, 65-A80-8800 and 65-B80 (S/N's LD-1 through LD-456), 65-88 (S/N's LP-1 through LP-47) and 70 (S/N's LB-1 through LB-35) airplanes within 25 hours time-in-service after the effective date of this AD and each 100 hours time-in-service thereafter, accomplish the following:

1. Visually inspect the airplane flight manual to determine if Beech P/N 131072 supplement is inserted in the manual and

2. Visually inspect to determine if Beech P/N 50-910615-3 decal (facsimile shown below) is installed on the instrument panel or overhead.

BEECH P/N 50-910615-3 DECAL FACSIMILE
EMERGENCY ENGINE SHUTDOWN PROCEDURES

- (1) Mixture Cont.—Idle Cut-off.
- (2) Fuel Selector—off.
- (3) Oil Shut-Off Hdl.—up and Lkd.
- (4) Prop Control—Feathered.
- (5) Throttle—Fully Open.
- (6) Both Boost Pumps—Off.
- (7) Magneto Switch—Off.
- (8) Altnt/Gen Switch—Off.

NOTE.—Accomplishment of ADs 72-18-7, 72-18-8, 73-23-4 and 76-13-03 are essential to the prevention of inflight fires on airplanes affected by this AD. Accordingly, at the time of the initial inspection required by this AD, it is highly recommended that the following also be accomplished:

1. On all models and serial numbers listed above except Models 50, B50, C50, D50, D60A, D50B, D50C and D50E airplanes and those airplanes modified in accordance with STC's SA444SW, SA76SW or SA587SW (Excalibur conversions), visually inspect left and right engine nacelles and the aircraft maintenance records to determine if Beech nacelle interior fire seal kits No. 65-9008-1, or 65-9008-3, as applicable, have been installed as required by AD 73-23-4, and if not, comply with AD 73-

23-4 prior to approval for return of the airplane to service.

2. On Models 65-88 (S/N's LP-1 through LP-26, LP-28 and LP-30 through LP-47) airplanes, visually inspect the left and right nacelle fire shield installations and the airplane maintenance records to determine if Beech P/N 50-980109-5 small fire shield is installed above the second stage augmentor tube on the inboard side of both nacelles as recommended by Beechcraft Service Instructions No. 0809-065 or later approved revisions and as required by AD 76-13-03, and if not, comply with AD 76-13-03 prior to approval for return of the airplane to service.

3. On Models 65 (S/N's L-1, L-2, L-6, LF-7, LF-8 and LC-1 through LC-239), A65 and A65-8200 (S/N's LC-240 through LC-335), 65-80, 65-A80, 65-A80-8800 and 65-B80 (S/N's LD-1 through LD-456), 65-88 (S/N's LP-1 through LP-47) and 70 (S/N's LB-1 through LB-35) airplanes:

a. Visually inspect the airplane flight manual to determine if Beech P/N 131072 supplement is inserted in the manual as required by AD 72-18-7, and

b. Visually inspect to determine if Beech P/N 50-910615-3 decal (facsimile shown below) is installed on the instrument panel or overhead as required by AD 72-18-7, and if paragraphs a. and/or b. is (are) not accomplished, comply with AD 72-18-7 prior to approval for return of the airplane to service.

BEECH P/N 50-910615-3 DECAL FACSIMILE
EMERGENCY ENGINE SHUTDOWN PROCEDURES

- (1) Mixture Control—Idle Cut-Off.
- (2) Fuel Selector—Off.
- (3) Oil Shut-Off HDL—Up and LKID.
- (4) Prop Control—Feathered.
- (5) Throttle—Fully Open.
- (6) Both Boost Pumps—Off.
- (7) Magneto Switch—Off.
- (8) Ailntn/Gen Switch—Off.

4. On Model 65 (S/N's LC-173 through LC-193) airplanes, visually inspect the left and right engines to determine if either P/N MS 28741-0096, or P/N 130F 001-4S0103 or P/N 33 0995-F-4-0103 fuel return hose is installed as recommended by Beechcraft Service Bulletin No. 65-28 or later approved revisions and as required by AD 72-18-8, and if not, comply with AD 72-18-8 prior to approval for return of the airplane to service.

5. On Models 65-80 (S/N's prior to LD-335) and 65-88 (S/N's prior to LP-42) airplanes, visually inspect the left and right engines to determine if P/N MS 28741-4-200, P/N 130F001-4S0103 or P/N 330995-F-4-0103 fuel return hose is installed as recommended by Beechcraft Service Bulletin No. 67-2 or later approved revisions and as required by AD 72-18-8 and, if not, comply with AD 72-18-8 prior to approval for return of the airplane to service.

6. On Models 65 (S/N's LC-230 through LC-239), 65-B80 (S/N's LD-280 through LD-317) and 65-88 (S/N's LP-1 through LP-42) airplanes, visually inspect for chafing of throttle and mixture control cables against fuel lines and other components in the wheel wells as recommended by Beechcraft Service Bulletin No. 67-8 or later revisions and as required by AD 72-18-8 and if chafing is detected, comply with AD 72-18-8 prior to approval for return of the airplane to service.

7. On Models 65 (S/N's LC-163 through LC-214), 65-80 (S/N's LD-1 through LD-150) and 65-A80 (S/N's LD-151 through LD-269, except LD-263) airplanes, visually inspect fuel flow indicator hoses for chafing against wire bundle in the engine nacelles as recommended by Beechcraft Service Bulletin 66-24 or later revisions and as re-

quired by AD 72-18-8, and if chafing is detected, comply with AD 72-18-8 prior to approval for return of the airplane to service.

(C) In addition to the corrective actions specified in paragraphs (A)4c and (A)10 of the AD, if as a result of any other inspection required by paragraphs (A) and (B) any discrepancies or deficiencies are found, correct, repair, replace or clean components to eliminate said discrepancies or deficiencies prior to approval for return of the airplane to service.

(D) Immediately following any inspection, and if necessary any corrective action required by this AD, perform a minimum 15 minutes airborne operational check of the airplane with minimum crew aboard, and upon completion of the flight check open the cowling doors and visually inspect components, hoses and lines in the left and right engines, nacelles and main gear wheel wells for oil and fuel leaks. Correct any leaks prior to approval for return of the airplane to service.

(E) Within 48 hours after completion of any inspection required by this AD the Maintenance Agency that conducts the inspection must submit a written report to: FAA, Chief, Engineering and Manufacturing Branch, ACE-210, Room 1659, Federal Building, 601 E. 12th Street, Kansas City, Mo. 64106. The report must include: (1) Airplane model, serial and registration numbers; (2) Airplane total time in service; (3) A list of any discrepancies or deficiencies found as a result of inspections required by this AD; and (4) Name and address of Maintenance Agency that performed the inspections. (Reporting approved by Office of Management and Budget under OMB No. 04-R0174).

(F) The interval for the repetitive inspections set forth in paragraphs (A) and (B) of this AD may be extended 10 hours up to a maximum of 110 hours time-in-service to allow compliance at previously scheduled maintenance periods.

(G) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective on December 12, 1977.

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

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

Issued in Kansas City, Mo., on November 25, 1977.

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

[FR Doc.77-34812 Filed 12-7-77; 8:45 am]

[4910-13]

[Docket No. 77-WE-38-AD; Amdt. 39-3091]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell International Model NA-265-80 Series and Two NA-265-70 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: An emergency airworthiness directive (AD) was issued by the Federal Aviation Administration on November 4, 1977, as a result of inadvertent deactivation of the engine fire detection and warning system.

This AD requires tests and modifications, if necessary, to ensure the functional integrity of the engine fire detection and warning system.

DATES: Effective date—December 12, 1977, for all persons except those to whom it was made effective by telegram dated November 4, 1977.

Initial Compliance required prior to next flight after receipt of the telegram.

ADDRESSES: The applicable Service Bulletin No. 30 dated November 2, 1977, or later FAA approved revision, may be obtained from:

Rockwell International, Sabreliner Division, 827 Lapham Street, El Segundo, Calif. 90245.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: There have been a number of incidents involving the deactivation of the engine fire detection system and/or crossed wires in the engine fire detectors to cockpit warning light.

This AD requires assurance:

A. That a proper ground exists between the engine fire detector element (Edison Cable P/N 244-12482) couplings and the engine, and

B. That proper continuity exists between the elements and the fire detector control units in accordance with Rockwell International Sabreliner Service Bulletin No. 30 dated November 2, 1977, or later FAA approved revisions.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. owners and operators of Model NA-265-80 series and two NA-265-70 airplanes upon receipt of individual telegrams dated November 4, 1977. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations (14

CFR 39.13) to make it effective as to all persons.

DRAFTING INFORMATION

The principal authors of this document are Joseph P. Grieco, Aircraft Engineering Division, and Mark T. McDermott, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

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

ROCKWELL INTERNATIONAL: Applies to Sabreliner Model NA-265-70 Serial numbers 370-1 and 370-7, and NA-265-80 Serial Numbers and 370-1 through 380-58, certificated in all categories.

Compliance required as indicated.

To prevent deactivation of the engine fire detection system and/or crossed wires in the engine fire detectors to cockpit warning light, accomplish the following:

Prior to the next flight after receipt of this telegram, unless already accomplished.

A. Ensure that a proper ground exists between the engine fire detector element (Edison Cable P/N 244-12482) couplings and the engine, and

B. Ensure that proper continuity exists between the elements and the fire detector control units in accordance with Rockwell International Sabreliner Service Bulletin No. 30 dated November 2, 1977, or later FAA approved revisions, or accomplish tests and modifications as follows:

1. Disconnect electrical power from airplane.

2. Open and remove engine access doors as required.

3. Locate and remove existing MS 21105-4 clamps securing fire detector element couplings to engine. (Ref. Aeronca Dwg. No. 234-22029 Rev. A.)

4. Install new clamps (P/N AN 742-H3) on each fire detector element coupling. Tighten clamp fasteners.

5. Using a Volt/OHM meter (Simpson 260 or equivalent) set to read OHMS, connect negative (-) lead to AIRFRAME GROUND and positive (+) lead to fire detector element coupling. Check that meter reads one OHM or less. Remove Volt/OHM meter leads.

6. On RH engine, disconnect fire detector element from ONE coupling. Apply external power to airplane.

7. Using a suitable jumper wire, attach one end of jumper wire to inner conductor of receptacle, and the other end of jumper wire to ground. Check that the right hand "Fire Pull" handle lights illuminate. Remove jumper from receptacle inner conductor and insert in center conductor of fire detector element. Check that right hand "Fire Pull" handle lights illuminate. Remove jumper wire.

8. Connect and tighten fire detector element to couplings (element disconnected in Step 6). Lockwire coupling.

9. On LH engine, disconnect fire detector element from ONE coupling.

10. Using a suitable jumper wire, attach one end of jumper wire to inner conductor of receptacle, and the other end of jumper wire to ground. Check that the left hand "Fire Pull" handle lights illuminate. Remove jumper from receptacle inner conductor and insert in center conductor of fire detector element. Check that left hand "Fire Pull" handle lights illuminate. Remove jumper wire.

11. Connect and tighten fire detector element to coupling (element disconnected in Step 9). Lockwire coupling.

NOTE.—If the requirements of Step 7 thru Step 10 are not met, check fire detector wiring in accordance with Rockwell International Sabreliner Wiring Diagram Manual, Report No. SR-73-26.

12. Press "Fire Det Sys Push To Test" switch. Right and left "Fire Pull" overheat and fire-warning indicator lights should illuminate within one second after switch is pushed. Make sure both lights in each assembly illuminate. Release test switch. Both lights should go out within 5 seconds. Remove electrical power from airplane.

13. Close and/or install engine cowling.
C. Equivalent modifications may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

D. Special flight permits may be issued in accordance with FAR's §§ 21.197 and 21.199 to authorize operation of an airplane to a base for the accomplishment of the modifications required by this AD provided the following is accomplished:

1. Interim addition of a positive ground between the engine fire detector element couplings and the engine to insure proper operation of the engine fire detection system, and

2. Check the fire warning system to ensure that the fire warning light operates correctly for the engine/engines involved.

This amendment becomes effective December 12, 1977, for all persons except those to whom it was made effective by telegram dated November 4, 1977 which contained this amendment.

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

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

Issued in Los Angeles, Calif., on November 25, 1977.

W. R. FREHSE,
Acting Director,
FAA Western Region.

[FR Doc. 77-34813 Filed 12-7-77; 8:45 am]

[4910-13]

[Docket No. 77-NE-16; Amdt. 39-3089]

PART 39—AIRWORTHINESS DIRECTIVE

Sikorsky Model S-58 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes an existing Airworthiness Directive (AD) applicable to Sikorsky Model S-58 Series Helicopters by requiring replacement of magnesium tail rotor gearbox input and intermediate housings with strengthened aluminum housings by July 31, 1978, on turbine engine powered S-58T series helicopters, and by December 31, 1978, for piston engine powered S-58 series helicopters. The amendment is needed because the FAA has determined that the

inspections specified in the existing AD are inadequate for preventing failures.

DATES: Effective date—December 30, 1977. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Sikorsky Aircraft, Division of United Technologies Corp., Stratford, Conn. 06602. A copy of the service bulletin is contained in the Rules Docket No. 77-NE-16, Federal Aviation Administration, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Mass. 01803.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

This AD further amends Amendment 39-1890 (39 FR 25644) AD 74-15-06, as amended by Amendment 39-2134 (40 FR 14298) and further amended by Amendment 39-2447 (40 FR 56883) which currently requires one-time and repetitive inspections of tail rotor gearbox housings and attaching hardware on Sikorsky Model S-58 Series Helicopters. After issuing Amendment 39-2447, the FAA has determined that the inspections have not prevented further failures of magnesium housings. Strengthened input and intermediate housings, redesigned as aluminum castings with local reinforcement at the critically stressed area, are now available. Based on this, a notice was issued in the FEDERAL REGISTER (42 FR 46337) which proposed to amend the existing AD by requiring replacement of magnesium tail rotor gearbox input and intermediate housings with strengthened aluminum housings by February 1, 1978. Interested persons have been afforded an opportunity to participate in the making of this amendment.

The manufacturer, Sikorsky Aircraft, proposed that the compliance date be changed, because of logistics problems, to July 31, 1978, for the S-58T series, and to December 31, 1978, for all other S-58 series helicopters. Their reason for this recommendation is that the difficulties described in the NPRM have not been as prevalent on the basic S-58 series helicopters as on the S-58T series and therefore the redesigned, strengthened housings should be installed on S-58T aircraft first.

The FAA concurs with the manufacturer's recommendations, and is of the opinion that an undue hardship on operators could be caused by the February 1, 1978, compliance date. Paragraph 6 has been revised accordingly.

One operator states that his excellent service record is due to dynamic balance, rather than static balance of the tail rotor; therefore, he should not be re-

quired to install aluminum housing on his piston engine S-58 helicopters. The FAA agrees that balancing is needed and issued Airworthiness Directive 75-07-08, effective April 8, 1975, requiring repetitive inspections and balancing of the rotary rudder assembly. The dynamic balance was given as the preferred method with a satisfactory alternate static balance included. However, in order to achieve a satisfactory level of airworthiness, the FAA believes that, in addition to balancing, the aluminum housings must also be installed.

Several operators and the Helicopter Association of America maintain that the AD should be amended to require conversion to aluminum housings on S-58T model helicopters only, because the service record of the piston engine powered aircraft has been good in recent years.

The FAA does not concur for the following reasons:

1. Records show that the failure mode of the intermediate housing is identical on both piston and turbine engine helicopters even though failures have been more numerous on the turbine helicopters.

2. There are no known significant differences in the tail rotor gearbox structural loads of the piston powered as compared to the turbine powered helicopter.

3. Inspections alone have not proven to be fully effective in preventing failures.

DRAFTING INFORMATION

The principal authors of this document are Martin Buckman, Propulsion Section, New England Region, Engineering and Manufacturing Branch, and George L. Thompson, Office of the Regional Counsel.

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 further amending Amendment 39-1890 (39 FR 25644), AD 74-15-06, as amended by Amendment 39-2134 (40 FR 14298) and by Amendment 39-2447 (40 FR 56883) as follows:

1. Change second sentence of first paragraph to read as follows:

Applies to all S-58 model series helicopters equipped with magnesium input and/or intermediate housings.

2. Change compliance paragraph to read as follows:

Compliance required as indicated unless already accomplished. To preclude possible failure of the magnesium input and/or intermediate housings of the ***

3. Change paragraph 4 to read "Section 2, paragraph A(1)" instead of Section 2, paragraph D(3).

4. Change existing paragraph No. 6 to 7.

5. Substitute a new paragraph 6:

6. Remove from service magnesium input and intermediate housings P/N's S1635-

64009-3N, S1635-64074, S1635-64009, S1635-64010 as follows:

- a. Prior to July 31, 1978, for all turbine engine powered S-58T helicopters.

- b. Prior to December 31, 1978, for all piston engine powered S-58 helicopters.

Replace with aluminum input and intermediate housings S1635-64009-101 and S1635-64074-103 respectively.

NOTE.—Sikorsky Service Bulletin No. 58B35-25 covers this subject.

This amendment becomes effective December 30, 1977.

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

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

Issued in Burlington, Mass., on November 28, 1977.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.77-34796 Filed 12-7-77;8:45 am]

[4910-13]

[Airworthiness Docket No. 77-SW-66, Amdt. 39-3090]

PART 39—AIRWORTHINESS DIRECTIVES

Swearingen Models SA226-T, SA226-AT, and SA226-TC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) requiring repetitive inspections and replacement of certain landing gear actuator rod ends that are susceptible to fatigue cracks through grease fittings. Failure of the landing gear actuator rod end as a result of propagation of crack may result in failure of landing gear to retract or extend.

DATES: Effective date: December 19, 1977. Compliance required before further flight after the effective date and thereafter at intervals not to exceed 50 hours' time in service until rod ends with grease fittings have been replaced with rod ends without grease fittings.

ADDRESSES: Service information may be obtained from persons or offices noted in the AD.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: 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.

DRAFTING INFORMATION

The principal authors of this document are Milton G. Martin, Aerospace Engineer, Flight Standards Division, and James O. Price, General Attorney, Southwest Region, FAA.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective December 19, 1977, by adding the following new Airworthiness Directive:

SWEARINGEN. Applies to Models SA226-T, SA226-AT, and SA226-TC.

Compliance required before further flight after the effective date of this AD unless already accomplished within the last 50 hours' time in service and at intervals not to exceed 50 hours' time in service until rod ends with grease fittings have been replaced with rod ends without grease fittings.

In the event the aircraft is located where the initial inspection cannot be accomplished, a special flight permit pursuant to FAR 21.197 may be issued to allow ferrying of the aircraft to a facility where the required initial inspection can be accomplished.

To detect possible cracks in each landing gear actuator rod end, Berteau P/N 235607-1, accomplish the following:

- (a) Inspect the landing gear actuator rod ends, in accordance with Swearingen Aviation Corp. Service Bulletin A32-014, dated November 15, 1977, or later FAA approved revisions, to determine whether or not rod end has grease fitting incorporated.

- (b) If rod end does not have grease fitting incorporated, no further action is required.

- (c) If rod end has grease fitting incorporated, inspect rod end for cracks in accordance with Swearingen Aviation Corp. Service Bulletin A32-014, dated November 15, 1977, or later FAA approved revision.

- (d) If cracks are found, before further flight, replace actuator rod end with rod end without grease fitting in accordance with Swearingen Aviation Corp. Service Bulletin A32-014, dated November 15, 1977, or later FAA approved revisions.

- (e) If no cracks are found at initial inspection, inspect the landing gear actuator rod ends with grease fitting each 50 hours' time in service thereafter or until the replacement is incorporated.

- (f) Replace all landing gear actuator rod ends which have grease fitting with landing gear actuator rod ends without grease fitting within the next 600 hours' time in service after the effective date of this amendment, in accordance with Swearingen Aviation Corp. Service Bulletin A32-014, dated November 15, 1977, or later FAA approved revisions.

- (g) After replacement of landing gear actuator rod ends with grease fittings with rod ends without grease fittings, this AD is no longer applicable.

- (h) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Southwest 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.

(i) The manufacturer's instructions 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 the Director of Products Support, Swearingen Aviation Corp., P.O. Box 32486, San Antonio, Tex. 78284. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Tex., and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Tex.

This amendment becomes effective December 19, 1977.

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

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

Issued in Fort Worth, Texas, on November 28, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on June 19, 1987.

[FR Doc. 77-35102 Filed 12-7-77; 8:45 am]

[4910-13]

[Airspace Docket No. 77-EA-71]

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

Alteration of Control Zone and Transition Area, Roanoke, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will alter the Roanoke, Va., Control Zone and Transition Area. These alterations will provide protection to aircraft executing a new instrument approach which has been developed for the Roanoke Municipal Airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT December 22, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rule Making was published in the FEDERAL REGISTER on September 26, 1977 (42 FR 48889). Interested parties were given time to submit comments. No objections were received.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT December 22, 1977, as published.

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

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

Issued in Jamaica, N.Y., on November 21, 1977.

L. J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Roanoke, Va., control zone by adding the following: “; within 4 miles each side of the Roanoke Municipal Airport LDA RWY 5 course, extending from the OM to 4 miles southwest of the OM.”

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Roanoke, Va., 700-foot floor transition area as follows: After the phrase, “307° bearing from the airport” insert, “; within 9.5 miles northwest and 4.5 miles southeast of the Roanoke Municipal Airport LDA RWY 5 course, extending from 5 miles southwest of the OM to 23.5 miles southwest of the OM.”

[FR Doc. 77-34800 Filed 12-7-77; 8:45 am]

[4910-13]

[Docket No. 77-SO-68]

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

Alteration of Jasper, Ala., Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends the Federal Aviation Regulations by altering the Jasper, Ala., transition area. The name of the Birmingham, Ala., VORTAC has been changed to Vulcan and this change

is editorial in nature to reflect the facility's new name.

EFFECTIVE DATE: 0901 GMT, March 23, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The FAA has changed the name of the Birmingham, Ala., VORTAC to Vulcan VORTAC. Therefore, it is necessary to alter the transition area by this editorial change. Since this alteration is minor in nature, notice and public procedure hereon are not considered necessary.

DRAFTING INFORMATION

The principal authors of this document are William F. Herring, Airspace and Procedures Branch, Air Traffic Division, and Eddie L. Thomas, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 GMT, March 23, 1978, as follows:

In Subpart G, § 71.181 (42 FR 440), the Jasper, Ala., transition area is amended as follows:

“ * * * within 4.5 miles each side of Birmingham, VORTAC 303° radial * * * ” is deleted and “ * * * within 4.5 miles each side of Vulcan VORTAC 303° radial * * * ” is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 165(c)).)

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

Issued in East Point, Ga., on November 22, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 77-34801 Filed 12-7-77; 8:45 am]

[4910-13]

[Docket No. 77-SO-11]

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

Designation of Transition Area, Fernandina Beach, Fla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a 700-foot transition area in the vicinity of

Fernandina Beach, Fla. This action provides necessary controlled airspace for accommodation of IFR operations at the Fernandina Beach Airport.

EFFECTIVE DATE: 0901 GMT, March 23, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Donald Ross, Airspace and Procedures Branch, Federal Aviation Administration, P.O. 20636, Atlanta, Ga. 30320, telephone: 404-763-7648.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the *FEDERAL REGISTER* on May 2, 1977 (42 FR 22172) which proposed the designation of the Fernandina Beach, Fla., transition area. No objections were received from this Notice.

DRAFTING INFORMATION

The principal authors of this document are Donald Ross, Airspace and Procedures Branch, Air Traffic Division, and Ronald R. Hagadone, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 GMT, March 23, 1978, by adding the following:

FERNANDINA BEACH, FLA.

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of Fernandina Beach Airport (lat. 30° 36'34" N., long. 81° 27'39" W.); excluding the portion outside of the continental limits of the United States.

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

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

Issued in East Point, Ga., on November 23, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-34799 Filed 12-7-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-NE-17]

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

Reduction in Hours of Worcester, Massachusetts, Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment reduces the effective hours of the Worcester control zone from 24 hours to 0700 to 2300 local time daily. This reduction is necessary because the limited aeronautical activity between the hours of 2300 and 0700 local time at the Worcester Municipal Airport does not warrant operation of the control tower during this period and the effective hours of the control zone are contingent upon the availability of weather updating service provided by the control tower.

EFFECTIVE DATE: January 26, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

On October 6, 1977, the FAA published a Notice proposing to reduce the effective hours of the Worcester control zone, Worcester, Mass., from 24 hours daily to 0700-2300 hours local time daily. Six comments were received in response to the Notice of Proposed Rulemaking. Two commenters, the Commonwealth of Massachusetts Aeronautics Commission and the Air Transport Association of America (ATA), supported the proposal. Objections to the proposal were received from Congressman Joseph D. Early, House of Representatives; State Representative James A. Keefe, Jr., Commonwealth of Massachusetts; Mr. K. Cloyd, Worcester Area Chamber of Commerce; and Mr. Joseph A. Ruseckas, representing David Clark Co., Inc. These objectors opposed the proposal for the following reasons:

1. Efforts to make Worcester Municipal a more viable airport, and the use as an alternate airport for Logan International Airport, would be jeopardized by the reduced hours of tower operation.
2. Air freight movements, and corporate jet use of Worcester Municipal Airport at night, would be hindered.
3. Development of an Airport Industrial Park and the economic growth of the local area would be adversely affected by the reduced hours of tower operation.

It was also suggested that the proposal would be inconsistent with studies being conducted on the feasibility of lengthening and strengthening the principal runway to handle heavy jet aircraft traffic overflow that Logan International Airport, Boston, Mass., may not be able to accommodate.

The FAA believes that the concerns noted by the objectors would not be significantly affected by the proposal. Presently, there are no air carrier or air taxi operations scheduled into Worcester Airport between 2300 and 0700, and the airport is seldom used as an alternate for Logan International or other New England airports by air carriers. Air freight operations formerly based at Worcester

have relocated operations to another New England base. Studies have also indicated executive jet aircraft based at Worcester and itinerant jet aircraft, seldom use the airport between 2300 and 0700.

Several reviews have been made of the air traffic between the hours of 2300 and 0700. The highest hourly average recorded for any 90-day period reviewed was 1.28. The average number of operations during the most recent survey was 2.27 per night. On the other hand, approximately 50 percent of the FAA overtime costs at Worcester are expended to cover the 2300-0700 shift.

Accordingly, the FAA does not believe that the limited use of Worcester Airport during the hours from 2300-0700, justifies the operation of the control tower during this period. Since the effective hours of the Worcester Control Zone are contingent upon the availability of services provided by the control tower, the reduction in the control tower's hours of operation necessitate this airspace action to reduce the effective hours of the control zone. The control tower, of course, will continue in operation from 0700 to 2300. Should night operation at the airport increase in the future, the FAA will reevaluate such activity in accordance with current criteria to determine the possibility of extending the control tower hours of operation.

DRAFTING INFORMATION

The principal authors of this document are Richard G. Carlson, Air Traffic Division, New England Region, and George L. Thompson, Associate Regional Counsel, New England Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., January 26, 1978, to read as follows:

WORCESTER, MASS., CONTROL ZONE

Within a 5-mile radius of the Worcester Municipal Airport (Latitude 42° 16'05" N., Longitude 71° 52'20" W.). This control zone is effective from 0700 to 2300 hours local time daily or during the specific dates and time established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

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

Issued in Burlington, Mass., on November 22, 1977.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.77-35103 Filed 12-7-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-WE-2]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES**Alteration of Area High Routes**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns the offshore segments of J938R and J964R to terminate at the BEBOP reporting point rather than the ALCOA and CLUKK waypoints. BEBOP is an eastern terminal of one of the Pacific composite routes. This action will connect the oceanic route R-64 with two domestic Area High Routes and thereby reduce the coordination required in the transition between the two route systems.

EFFECTIVE DATE: January 26, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:**HISTORY**

On September 8, 1977, the FAA published for comment a proposal to establish waypoint AROSE and to realign J938R and J964R to this offshore waypoint (42 FR 45012). Subsequent to the publication of this proposal the name of the eastern terminal of oceanic route R-64 has been changed from AROSE to BEBOP with no change in its location. For this reason, the name BEBOP is used in the designation of the realigned J938R and J964R. Interested persons were invited to participate in the rule making proceeding by submitting written comments on the proposal to the FAA. The comments received expressed no objections.

THE RULE

This amendment to Part 75 of the Federal Aviation Regulations will realign J938R to go from waypoint PALIS to waypoint BEBOP rather than to waypoint ALCOA. It will also realign J964R to go from waypoint MERLE to waypoint BEBOP rather than to waypoint CLUKK. The route between waypoints PALIS and ALCOA will continue to be designated J965R and J966R. The route between waypoints MERLE and CLUKK will continue to be designated J967R. By connecting the composite oceanic route system with the area high route system, the present communication and coordination requirements will be reduced.

DRAFTING INFORMATION

The principal authors of this document are Mr. Everett L. McKisson, Air

Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart D of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (42 FR 722) and amended (42 FR 39379, 55864) is further amended, effective 0901 GMT, January 26, 1978, as follows:

In J938R the title is changed to "J938R Chicago, Ill., to BEBOP."

Also the last waypoint is changed to "BEBOP 37°00'00" N. 125°00'00" W. Oakland, Calif."

In J964R the title is changed to "J964R Coaldale, Nev., to BEBOP."

Also the last waypoint is changed to "BEBOP 37°00'00" N. 125°00'00" W. Oakland, Calif."

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

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

Issued in Washington, D.C., on November 30, 1977.

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

[FR Doc.77-34982 Filed 12-7-77;8:45 am]

[4910-13]

[Airspace Docket No. 77-EA-82]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES**Waypoint Name Change**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the five-letter identifier/name of waypoint PENNS to SWEET. This waypoint name will then be identical to the low altitude, on request, reporting point name. A potential misunderstanding exists in the phonetic use of the words tens and PENNS as they may relate to altitude or position.

EFFECTIVE DATE: January 26, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:
The purpose of this amendment to Part 75 of the Federal Aviation Regulations

(14 CFR Part 75) is to change the name of the PENNS waypoint to SWEET where it appears in the description of Area High Route 810R. This waypoint is collocated with the SWEET reporting point. Using two names for the same location is confusing. A potential misunderstanding exists in the phonetic use of the words tens and PENNS as they may relate to altitude or position.

Under these circumstances the FAA has concluded that there is a need to take action to eliminate the confusion and potential misunderstanding caused by having two names for the same location. Because this action merely renames a waypoint, it is a minor matter on which the public would have no particular desire to comment; therefore, notice and public procedure thereon are unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Mr. Everett L. McKisson, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart D of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (42 FR 722) is amended, effective 0901 GMT, January 26, 1978, as follows: In J810R the last waypoint is changed to "SWEET 40°48'06" N., 74°55'59" W. Sparta, N.J."

(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.)

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

Issued in Washington, D.C., on November 29, 1977.

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

[FR Doc.77-34836 Filed 12-7-77;8:45 am]

[4410-01]

Title 28—Judicial Administration**CHAPTER I—DEPARTMENT OF JUSTICE**

[Order No. 757-77]

PART 14—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT**Review of Administrative Claims Under Federal Tort Claims Act**

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: Existing Department of Justice regulations provide the mechanism and requirements for filing and handling administrative claims under the Federal Tort Claims Act. Among those requirements is the provision that any

claim in which a proposed compromise, settlement, or award exceeds \$1,000 can be paid only after review by a legal officer of the agency to which the claim was presented. When the administrative claim requirement was established by legislation eleven years ago there was Congressional concern that claims should be reviewed by lawyers, rather than by clerks or paralegals. Accordingly, the \$1,000 limitation was established by regulation. In the eleven years of experience with the claims process, most departments and agencies of the federal government have become quite proficient at handling such claims. In many such offices, inspectors, investigators, and paralegals have acquired expertise and have proven to be efficient and effective. In addition, there has been considerable inflation which has produced a result that the requirement of review by a legal officer is a more stringent imposition now than when originally established. The amendment would simply raise to \$2,500 the figure above which a compromise must be reviewed by a legal officer.

EFFECTIVE DATE: December 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Barbara A. Babcock, Assistant Attorney General, Civil Division, Department of Justice, Washington, D.C. 20530, 202-739-3301.

By virtue of the authority vested in me by 5 U.S.C. 301, and 28 U.S.C. 509 and 2672, § 14.5 of Part 14 of Title 28, Code of Federal Regulations, is amended by deleting the figure "\$1,000" and substituting therefor the figure "\$2,500."

Dated: November 29, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 77-35075 Filed 12-7-77; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD,
DEPARTMENT OF TRANSPORTATION

[CGD 76-186]

PART 110—ANCHORAGE REGULATIONS

Special Anchorage Areas, Islands of Hawaii,
Kauai, and Oahu, Hawaii

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes special anchorages in the vicinity of the Islands of Hawaii, Kauai, and Oahu, Hawaii. This regulation is needed to provide safe anchorage areas for a large number of local and transient pleasure vessels in these vicinities. Establishing these special anchorage areas were vessels under 65 feet in length, when at anchor, are not required to exhibit anchor lights results in these recreational vessels anchoring in safe areas away from vessel traffic.

EFFECTIVE DATE: This amendment is effective on January 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Capt. George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION:

On January 21, 1977, the Coast Guard published a proposed rule (42 FR 3871), corrected on February 22, 1977 (42 FR 10319), concerning this amendment. Interested persons were given until March 7, 1977, to submit comments. Two hundred and forty comments were received. All were favorable with 7 suggesting minor changes which have been implemented in this final rule.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Lt. Comdr. H. E. Snow, Project Manager, Office of Marine Environment and Systems, and Mr. S. D. Jackson, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF MAJOR COMMENTS

Since publication of the proposed rule some of the boundary lines of inland waters for Hawaii have been moved, raising questions as to the Coast Guard's authority to establish special anchorage areas in some of the locations requested. Pending resolution of this question only those areas inside the new boundary lines are being established; therefore, the special anchorages in proposed § 110.128b (c), (d), (e), and (f), § 110.128c(b), and § 110.128d (d) and (e), are deleted until the Coast Guard can determine their status. Because of these deletions some of the new special anchorages are moved to different paragraphs in this rule. The area of three of the proposed special anchorages has been decreased. Proposed § 110.128d(b) *Kaneohe Bay*, is decreased so that it is totally within inland waters. Proposed § 110.128d(c) *Keelahi Lagoon*, is decreased because of possible interference with operations at Honolulu International Airport. Proposed § 110.128d(f) *Sans Souci Beach*, is decreased to provide adequate distance from recreational swimmers at the beach. Proposed § 110.128d(i) *Hickam AFB Marina* is divided into two areas to allow for a fairway to the marina dock.

In consideration of the foregoing, Part 110 of Title 33 Code of Federal Regulations is amended by adding §§ 110.128 b, c, and d to read as follows:

§ 110.128b Island of Hawaii, Hawaii.

(a) *Hilo Bay*. The waters of Hilo Bay enclosed by a line beginning at 19°43'55.5" N. latitude, 155°03'30" W. longitude; thence to 19°44'08" N. latitude, 155°04'19" W. longitude; thence to 19°43'51" N. latitude, 155°04'30" W. longitude; thence to 19°44'10" N. latitude, 155°05'29" W. longitude; thence along the shoreline to the beginning point.

(b) *Kuhio Bay*. The waters of Kuhio Bay enclosed by a line beginning at 19°44'13" N. latitude, 155°03'25" W.

longitude; thence to 19°44'15" N. latitude, 155°03'25" W. longitude; thence along the shoreline to the beginning point.

§ 110.128c Island of Kauai, Hawaii.

(a) *Nawiliwili Bay*. The waters of Nawiliwili Bay enclosed by a line beginning at 21°57'12.5" N. latitude, 159°21'38" W. longitude; thence to 21°57'26" N. latitude, 159°21'39.5" W. longitude; thence along the shoreline to the beginning point.

§ 110.128d Island of Oahu, Hawaii.

(a) *Kaneohe Bay (1)*. The waters of Kaneohe Bay enclosed by a line beginning at 21°26'28" N. latitude, 158°46'00" W. longitude; thence to 21°26'00" N. latitude, 157°46'14" W. longitude; thence to 21°26'20" N. latitude, 157°47'24" W. longitude; thence to 21°26'00" N. latitude, 157°48'25" W. longitude; thence to 21°26'46" N. latitude, 157°48'37" W. longitude; thence along the shoreline to the beginning point.

(b) *Kaneohe Bay (2)*. The waters of Kaneohe Bay enclosed by a line beginning at 21°27'28" N. latitude, 157°49'08" W. longitude; thence to 21°28'10" N. latitude, 157°50'30" W. longitude; thence to 21°29'10" N. latitude, 157°50'40" W. longitude; thence to 21°30'46" N. latitude, 157°50'14" W. longitude; thence along the shoreline to the beginning point.

(c) *Keelahi Lagoon*. The waters of Keelahi Lagoon enclosed by a line beginning at 21°19'04" N. latitude, 157°53'50" W. longitude; thence to 21°19'06" N. latitude, 157°53'44" W. longitude; thence to 21°19'37" N. latitude, 157°54'00" W. longitude; thence to 21°19'35" N. latitude, 157°54'06" W. longitude; thence along the shoreline to the beginning point.

(d) *Sans Souci Beach*. The waters of Sans Souci Beach enclosed by a line beginning at 21°15'49" N. latitude, 157°49'31" W. longitude; thence to 21°15'49.2" N. latitude, 157°49'29" W. longitude; thence to 21°15'56.2" N. latitude, 157°49'31" W. longitude; thence to 21°15'56" N. latitude, 157°49'33" W. longitude; thence along the shoreline to the beginning point.

(e) *Iroquois Point Lagoon*. The waters of Iroquois Point Lagoon enclosed by a line beginning at 21°19'53" N. latitude, 157°58'30" W. longitude; thence to 21°19'56" N. latitude, 157°58'31" W. longitude; thence along the shoreline to the beginning point.

(f) *Hickam AFB Marina (1)*. The waters of Hickam AFB Marina enclosed by a line beginning at 21°19'13" N. latitude, 157°57'40" W. longitude; thence to 21°18'45" N. latitude, 157°57'40" W. longitude; thence to 21°18'45" N. latitude, 157°57'28.5" W. longitude; thence to 21°19'10" N. latitude, 157°57'28.5" W. longitude; thence along the shoreline to the beginning point.

(g) *Hickam AFB Marina (2)*. The waters of Hickam AFB Marina enclosed by a line beginning at 21°19'11" N. latitude, 157°57'10" W. longitude; thence to 21°18'46.2" N. latitude, 157°57'20" W.

longitude; thence to 21°18'46.2" N. latitude, 157°57'05.2" W. longitude; thence along the shoreline to the beginning point.

(h) *Alca Bay*. The waters of Alca Bay enclosed by a line beginning at 21°22'20" N. latitude, 157°56'30" W. longitude; thence to 21°22'27" N. latitude, 157°56'40.5" W. longitude; thence to 21°22'30" N. latitude, 157°56'40.5" W. longitude; thence to 21°22'37" N. latitude, 157°56'22.5" W. longitude; thence to 21°22'37" N. latitude, 157°56'19" W. longitude; thence along the shoreline to the beginning point.

(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: December 2, 1977.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 77-35141 Filed 12-7-77; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 77-793]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Deleting Footnote NG 13 Pertaining to Amateur Radio Operation in 220-225 MHz Band in Portions of States of Texas and New Mexico

AGENCY: Federal Communications Commission.

ACTION: Rule Amendment.

SUMMARY: This document removes restrictions on the use of the 220-225 MHz band in portions of Texas and New Mexico by amateur radio operations because those restrictions are no longer necessary.

EFFECTIVE DATE: December 12, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Benjamin Perez, Spectrum Planning & Coordination Branch, Office of Chief Engineer, 202-632-6350.

ORDER

Adopted: November 22, 1977.

Released: December 1, 1977.

In the matter of amendment of Part 2 of the Commission's Rules and Regulations to delete footnote NG 13 pertaining to amateur radio operation in the 220-225 MHz band in portions of the States of Texas and New Mexico.

1. The Commission has been advised by the Office of Telecommunications Policy, that the provisions of footnote NG 13 to the Table of Frequency Allocations, § 2.106 of the Commission's rules are no longer required. The footnote imposes restrictions on the secondary use, by the amateur radio service, of the 220-225 MHz band in certain areas of the United States.

2. The deletion of NG 13 would remove the restriction of the use of the 220-225 MHz band by amateur stations engaged in normal amateur operations between the hours of 0500 and 1800 local time Monday through Friday inclusive, of each week in those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53'N., on the east by longitude 105°40'W., on the north by parallel 33°24'N. and on the west by longitude 106°40'W. The amateur service would then be allowed to operate on the 220-225 MHz band in all portions of the United States subject to the continuing restriction of footnote U.S. 34 (prohibiting harmful interference to the radiolocation service).

3. Since the deletion of NG 13 will have no adverse effect on non-Government licensees, we anticipate no comments in this matter; therefore, compliance with the notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. 553 (b) and (c), is believed to be unnecessary (5 U.S.C. 553 (c) (3) (B), 47 CFR 1.412(c)).

4. Furthermore, since the substance of this rule amendment would be to relieve a restriction, compliance with the effective date provision of the Administrative Procedure Act, 5 U.S.C. 553 (d) would not be in the public interest (5 U.S.C. 553 (d) (1); 47 CFR 1.427).

5. Accordingly, it is ordered, That effective December 12, 1977, § 2.106 of the rules is amended by deleting footnote NG 13. Authority for this action is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

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

FEDERAL COMMUNICATIONS COMMISSION,

WILLIAM J. TRICARICO,
Acting Secretary.

[FR Doc. 77-35069 Filed 12-7-77; 8:45 am]

[4910-06]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSRM-1, Notice 4]

PART 221—REAR END MARKING DEVICES—PASSENGER, COMMUTER, AND FREIGHT TRAINS

Procedures for Obtaining Approval of Rear End Marking Devices

AGENCY: Federal Railroad Administration, DOT.

ACTION: Final rule amendment.

SUMMARY: On January 11, 1977, the Federal Railroad Administration (FRA) published a final rule prescribing the requirements for the installation of a rear end marking device for use on passenger, commuter, and freight trains (42 FR 2321). The rule establishes performance standards for marking devices and requires that the Federal Railroad Administrator approve devices that are to be installed. The purpose of this notice is to amend Part 221 by the addition of an appendix which sets forth the specific procedures by which railroads subject to this Part are to obtain approval of the marking devices to be used on passenger, commuter, and freight trains. In addition, the effective date of Part 221 is being extended to allow adequate time for approval and installation of marking devices. Under the present provisions of the rule, trains subject to Part 221 must be equipped with approved marking devices after December 31, 1977. Sections 221.13(a) and 221.15(d) have been amended to provide that marking devices must be installed and in service after June 30, 1978.

DATES: (1) This amendment is effective December 8, 1977. (2) A public meeting to discuss the "Guidelines for Testing of FRA Rear End Marking Devices" will be held on December 20, 1977, at 10 a.m.

ADDRESSES: The public meeting will be held in Room 3201, Trans Point Building, 2100 Second Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

PRINCIPAL AUTHORS:

Principal Program Person: John A. McNally, Office of Safety, Federal Railroad Administration, Washington, D.C., 202-426-9178.

PRINCIPAL ATTORNEY:

Anne-Marie Hyland, Office of the Chief Counsel, Federal Railroad Administration, Washington, D.C., 202-426-8836.

SUPPLEMENTARY INFORMATION: The Federal Railroad Safety Authorization Act of 1976 (Pub. L. 94-348, "the Act") required the Secretary of Transportation to issue such rules as may be necessary to require that "the rear car of all passenger and commuter trains shall have one or more highly visible markers which are lighted during periods of darkness or whenever weather conditions restrict clear visibility"; and "the rear car of all freight trains shall have highly visible markers during periods of darkness or whenever weather conditions restrict clear visibility" (Pub. L. 94-348, section 5(b)). On January 11, 1977, the FRA published a final rule that established the performance standard that all "highly visible" marking devices would be required to meet in order to be approved by the Federal Railroad Administrator (42 FR 2321). That notice explained the assumptions upon which the performance standard was based. These included a given degree of re-

stricted visibility, a restricted operating speed, and a reasonable braking distance to permit a train to stop short of a collision whenever a marking device on the rear end of a train ahead is seen (42 FR 2323-2324). The rule required each train subject to Part 221 to be equipped with approved marking devices after December 31, 1977.

Shortly after the issuance of the rules, the FRA held a public meeting on January 25, 1977, to discuss with interested parties a draft of proposed approval procedures and testing guidelines for verification of the performance of specific marking devices. As was stated earlier in the notice of the final rule, the FRA had not specifically tested any devices for the purpose of qualifying them under the performance standard included in Part 221, but had determined that the issuance of the regulation in the form of a performance standard based upon reasonable assumptions concerning the railroad operating environment, and a given degree of restricted visibility, would provide the industry with the broadest flexibility in achieving compliance. The performance standard was drawn to reflect what FRA believed to be the minimum visibility enhancement requirements necessary for a marking device to be considered to be "highly visible". Any device, either lighted (active), non-lighted (passive), or combination of lighted and non-lighted elements, would be approved if it could be demonstrated to be in compliance with the performance standard as included in 49 CFR 221.15. Discussions which took place at the public meeting on January 25, 1977 reflected disagreement among interested parties as to whether any passive, retroreflective devices could be approved for installation and use on freight trains.

In response to this controversy, the FRA decided there was a need for an independent study of this question. With the assistance of a railroad, the FRA conducted a field test of various retroreflective materials, and also observed field testing conducted under the auspices of the Association of American Railroads. In addition, the FRA, with contractor support, developed a specific testing procedure which defines how the technical information concerning the performance of specific marking devices is to be developed, and also reviewed the theoretical performance of retroreflective materials in reference to the railroad operating environment. As a result of this additional study the FRA remains convinced that the original theoretical basis upon which the performance standard was premised was both sound and reasonable. Given the stated degree of restricted visibility and railroad operating conditions, the prescribed marking device intensity and angle of coverage reflect the minimum level of conspicuity necessary to assure that acceptable devices will meet the statutory and regulatory intent that they be "highly visible" in the railroad operating environment. Any device which can demonstrate compliance with

the prescribed intensity and angle of coverage requirements when tested in accordance with the guidelines referenced in Appendix A, will be approved. However, the FRA is now aware that marking devices composed of retroreflective elements alone will present a problem, and given the external illumination capable with the typical locomotive headlight, the application of currently available retroreflective materials will not meet the requirements of the performance standard for "highly visible markers."

This conclusion is based on a consideration of the principal specifications of the marking device; that is, the effective intensity of not less than 100 nor more than 1,000 candela along the central axis and not less than 50 candela at ± 15 degrees either side of the central axis in the horizontal plane and at ± 5 degrees either side of the central axis in the vertical plane. Since a passive marking device is itself non-luminous, our consideration was based upon the assumption of an external light source provided by the typical locomotive headlight of an approaching train. The mathematical calculations to describe the performance of a passive marking device were developed for both tangent track and curved track.

The least complicated factual situation in which to assess the performance of a passive marking device is the case in which the locomotive headlight is directed straight down a tangent track onto a retroreflective marking device that is perpendicular to the beam of light that illuminates it. The beam of light we have used in our calculations is the narrow beam of a typical locomotive headlight. This beam has an intensity of approximately 200,000 candela on-axis, has half-intensity points at an angle of about $2\frac{1}{2}$ degrees off-axis, and essentially a cut-off of light intensity just beyond 6 degrees off-axis.

Since the performance standard requires a reflected intensity of at least 50 candela at 15 degrees off-axis, we have focused our calculations upon that 15 degree point. Given the characteristics of the locomotive headlight, there is little question that some retroreflective materials available on the market today can be shown to comply with the 100 candela on-axis requirement. The off-axis performance of these materials is the more questionable aspect of their use as highly visible marking devices. Given a retroreflector with a reflectance factor of 1.0, an external light source intensity from a locomotive of 200,000 candela on-axis, a distance of 1,000 feet from the retroreflector, and a marking device area of 3 feet x 3 feet, it was determined that the reflected intensity would be 0.55 candela at 15 degrees off-axis. Even when the retroreflective material of the marking device is constructed of reflective beads, the optical gain or enhancement factor possible at the 15 degree off-axis point increases the reflected intensity only marginally to 0.6 candela for a red retroreflector. Obviously, both

of these intensities fall far short of the minimum 50 candela required by the performance standard.

Additional factors which further reduce the amount of reflected light must be considered when similar calculations are done for passive marking device performance on curved track. Although the FRA recognizes that there is sound justification for the narrow beam width of the typical locomotive headlight from both an operating and safety point of view, that narrow beam width significantly restricts the performance of retroreflective materials as "highly visible markers". Because of the narrowness of the headlight beam, our calculations lead to a conclusion that the degree of curvature of a track must not exceed a value ranging between $\frac{1}{2}$ and 1 degree to assure that the light will reach 1,000 feet down the track. The calculations for a track with a 1 degree curve result in an on-axis reflected intensity of 18 candela, as opposed to the 100 candela required by the performance standard. The ± 15 degree point would be significantly less.

Finally, one must consider the effects of the restricted visibility which formed the basis for the determination of the 100 candela standard. Illumination from a lighted marking device is reduced by restricted visibility over the distance from the marking device to the observer. This reduction was contemplated in the establishment of the 100 candela performance standard. A passive system, however, depends upon an external light source. The restricted visibility has a dual impact reducing the illumination from the source to the marking device, as well as from the marking device back to the observer. Taking into consideration a restricted visibility or "transmissivity factor" of 0.104, the value for 1,000 feet on a $\frac{1}{4}$ mile visibility day, the reflected light intensity from the typical 200,000 candela headlight would be 104 candela, on-axis. Again, the ± 15 degree points would be significantly less than the 50 candela required by the performance standard.

The full text of these calculations, together with the mathematical formulas involved is included in the public docket of this proceeding. Copies may be obtained from the Office of Standards and Procedures, Office of Safety, 2100 Second Street SW., Washington, D.C. 20590.

The conclusion FRA has drawn as a result of the calculations and considerations described and summarized above is that a marking device, composed solely of retroreflective materials, which relies upon a typical locomotive headlight as its external light source will not be capable of compliance with the requirements of Part 221. This conclusion is based upon the realization that as long as the external light source is to be provided by the existing type of locomotive headlight with a useful beam intensity of ± 6 degrees either side of the central axis, the light reflected back from a retroreflective marking device at ± 15 degrees either side of the central axis will not be sufficient to meet the prescribed minimum standard.

If railroad operating conditions and other safety considerations permit the use of a modified locomotive headlight with a sufficiently broad beam width, the limitations of retroreflective devices discussed above may be obviated to the extent that compliance is possible. A railroad that feels that it has developed a retroreflective marking device which can overcome the limitations of the present operating environment, and can provide the intensity at the various beam width points prescribed in the performance standard, may submit the descriptive and mathematical data, including a description of the external light source, and a proposed validation procedure to the FRA. If the FRA determines that the theoretical and mathematical descriptions of the marking device and external light source appear to demonstrate that compliance with the performance standard is possible, the FRA will require and/or take part in testing to validate the performance of the device. If the testing demonstrates full compliance with the performance standard, the FRA will approve the use of any such marking device within a closed system which assures that the external light source will be of the kind used in the testing process.

The purpose of this amendment is to define the procedures by which a railroad will submit to the Administrator for approval information derived from its testing which verifies that the specific marking device chosen by the railroad will in fact comply with the performance standard prescribed in 49 CFR 221.15. These approval procedures will be added to Part 221 as Appendix A. The testing is to be conducted in accordance with the current "Guidelines for Testing of FRA Rear End Marking Devices." Copies of these guidelines may be obtained from the Office of Safety, Federal Railroad Administration, 2100 Second Street SW., Washington, D.C. 20590.

As was stated in the notice to the final rule (42 FR 2324), FRA will develop an additional appendix, Appendix B, as individual devices are approved, and will publish this list in the FEDERAL REGISTER. The initial list will be published in July 1978, and will be updated as necessary thereafter. In the interim, as devices are approved, an up-to-date list may be obtained from the FRA Office of Safety.

The procedures do not prescribe who must conduct the required tests. The testing may be done by the railroad itself, by an independent testing laboratory, or by the marking device manufacturer. The railroad must submit to FRA a description of the device, a certification that it has been tested in accordance with the guidelines and that the results of that testing demonstrate compliance with the performance standard. The railroad will also be required to maintain records of the tests at a designated location and to make those records available to the FRA for inspection. FRA will monitor railroad compliance with these procedures by random review of these test records. Continued compliance with the performance standard will be monitored in the course of routine field inspections

of equipment used in railroad operations covered by Part 221. It should be noted that even after a marking device type is approved, based upon the sample testing and certification required by Appendix A, individual units of that type must be maintained so as to assure the prescribed intensity at all times when installed on the trailing end of the rear car of a train subject to this part.

The rule presently requires trains to be equipped with approved marking devices after December 31, 1977. The FRA believed that the lead time from January 1977, to the end of December 1977, was necessary in order to provide a reasonable time for the development of approval procedures and the retrofit of existing equipment. In August 1977, the Association of American Railroads (AAR) submitted comments and suggestions concerning procedures for approving retroreflective devices together with a request for a postponement of the effective date of Part 221 until July 1, 1978. On October 12, 1977, AAR requested a further extension until December 31, 1978.

The FRA recognizes that the publication of these procedures has been delayed by the additional study which has been given to the basic issues concerning qualifying both lighted and retroreflective devices under the performance standard.

This delay will require a postponement of the effective date so as to provide reasonable retrofit time; however, we believe that, in the long run, the accomplishment of the intent of the statutory mandate will be benefitted by the firm technical basis upon which the approval procedure can now proceed. Consequently, the FRA has decided to postpone the effective date of Part 221 until July 1, 1978. The FRA believes that this will provide adequate time for the approval process and necessary retrofit. Railroads are encouraged to make their submissions for approval of the devices they intend to install as early as possible, to allow themselves the most favorable amount of time for retrofit of equipment. The FRA recognizes the Congressional concern which prompted this statutory mandate, and intends to insure that compliance is accomplished by July 1, 1978. Requests for further extensions will not be likely to receive favorable consideration.

In order to assure complete understanding of the approval procedure and the testing guidelines, the FRA will conduct another public meeting for all interested parties. This meeting will be held on December 20, 1977, at 10 a.m., in Room 3201, Trans Point Building, 2100 Second Street SW., Washington, D.C.

In consideration of the foregoing, Title 49 CFR, Chapter II, Part 221 is amended as follows:

1. 49 CFR Part 221 is amended by revising § 221.13(a) to read as follows:

§ 221.13 Marking device display.

(a) After June 30, 1978, each train to which this part applies that occupies or operates on a main track shall be equipped with marking devices located

on the trailing end of the rear car of the train as prescribed in this subpart.

2. 49 CFR Part 221 is amended by revising § 221.15(a) and (d) to read as follows:

§ 221.15 Marking devices.

(a) Passenger, commuter and freight trains shall be equipped with at least one marking device which the Administrator approves, according to the procedures included in Appendix A of this part, as having an intensity of not less than 100 candela nor more than 1,000 candela (or an effective intensity of not less than 100 candela nor more than 1,000 candela for flashing lights) as measured at the center of the beam with:

(d) After June 30, 1978, marking devices displayed in compliance with this part shall be inspected by the train crew at each crew change point to assure that they are in proper operating condition.

3. 49 CFR Part 221 is amended by adding a new Appendix A as follows:

APPENDIX A—PROCEDURES FOR APPROVAL OF REAR END MARKING DEVICES

As provided in § 221.15 of this part, marking devices must be approved by the Administrator. Approval shall be issued in accordance with the following procedures:

(a) Each submission for approval of a marking device consisting of lighted elements only shall contain the following information:

(1) A detailed description of the device including the type, luminance description, size of lens, manufacturer and catalog number, lamp manufacturer, lamp type and model number, and any auxiliary optics used.

(2) A certification, signed by the chief operating officer of the railroad, that—

(i) The device described in the submission has been tested in accordance with the current "Guidelines for Testing of FRA Rear End Marking Devices," copies of which may be obtained from the Office of Safety, Federal Railroad Administration, 2100 Second Street SW., Washington, D.C. 20590;

(ii) The results of the tests performed under paragraph (1) of this subsection demonstrate marking device performance in compliance with the standard prescribed in 49 CFR 221.15;

(iii) Detailed test records, including as a minimum the name and address of the testing organizations, the name of the individual in charge of the tests, a narrative description of the test procedures, the number of samples tested, and for each sample tested, the on-axis beam candela, the beam candela at the ± 15 degree points in the horizontal plane, the beam candela at the ± 5 degree points in the vertical plane, and the chromaticity coordinates, are maintained by the railroad and are available for inspection by the FRA at a designated location which is identified in the submission;

(iv) Marking devices of this type installed in the operating environment shall consist of the same type and model of components as were used in the samples tested for purposes of this approval submission.

(3) Unless otherwise qualified, acknowledgment of the receipt of the submission required by this section shall constitute approval of the device. The FRA reserves the right to review the test records maintained by the railroad, or to test independently any device submitted for approval under these

procedures, and to withdraw the approval of such device at any time, after notice and opportunity for oral comment, if its performance in the operating environment fails to substantiate the test results or to comply with 49 CFR 221.15.

(b) (1) Each submission for approval of a marking device consisting of non-lighted elements or a combination of lighted and non-lighted elements shall contain the following information:

(i) A detailed description of the device including the type of material, the reflectance factor, the size of the device, and the manufacturer and catalogue number;

(ii) A detailed description of the external light source including the intensity throughout its angle of coverage, and the manufacturer and catalogue number;

(iii) A detailed description of the proposed test procedure to be used to demonstrate marking device compliance with the standard prescribed in 49 CFR 221.15, including any detailed mathematical data reflecting expected performance.

(2) FRA will review the data submitted under subsection (1) of this section, and in those instances in which compliance with 49 CFR 221.15 appears possible from a theoretical analysis, the FRA will authorize and may take part in testing to demonstrate such compliance.

(3) Where authorized testing has demonstrated compliance with 49 CFR 221.15, a railroad shall submit a certification, signed by the chief operating officer of the railroad, that—

(i) The device described in the original submission has been tested in accordance with the procedures described therein;

(ii) The results of the tests performed under paragraph (1) of this subsection demonstrate marking device performance in compliance with the standard prescribed in 49 CFR 221.15;

(iii) Detailed test records, including as a minimum the name and address of the testing organization, the name of the individual in charge of the tests, a narrative description of the test procedure, a description of the external light source used, the number of samples tested, and for each sample tested, the on-axis beam candela, the beam candela at the ± 15 degree points in the horizontal plane, the beam candela at the ± 5 degree point in the vertical plane, and the chromaticity coordinates, are maintained by the railroad and are available for inspection by the FRA at a designated location which is identified in the submission;

(iv) Marking devices of this type installed in the operating environment and the external light source used to illuminate them shall consist of the same type and model of components as were used in the samples tested for purposes of this approval submission.

(4) Unless otherwise qualified, acknowledgement of the receipt of the submission required by this subsection shall constitute approval of the device. The FRA reserves the right to review the test records maintained by the railroad, or to test independently any device submitted for approval under these procedures, and to disapprove the use of such device at any time if its performance fails to comply with 49 CFR 221.15.

(c) Whenever a railroad elects to use a marking device which has been previously approved by the FRA, and is included in the current list in Appendix B to this part, the submission shall contain the following information:

(1) The marking device model designation as it appears in Appendix B.

(2) A certification, signed by the chief operating officer of the railroad that—

(i) Marking devices of this type installed in the operating environment shall consist of the same type and model of components as were used in the samples tested for the original approval.

(d) Each submission for approval of a marking device shall be filed in triplicate with the Office of Standards and Procedures, Office of Safety, Federal Railroad Administration, 2100 Second Street, SW., Washington, D.C. 20590.

(Sec. 202, 84 Stat. 971 (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 December 5, 1977.

JOHN M. SULLIVAN,
Administrator.

[FR Doc.77-35158 Filed 12-7-77; 8:45 am]

[4910-06]

[FRA State Rail Docket No. 1; Notice No. 1]

PART 255—ASSISTANCE TO STATES AND PERSONS IN THE NORTHEAST AND MIDWEST REGION FOR LOCAL RAIL SERVICES UNDER SECTION 402 OF THE REGIONAL RAIL REORGANIZATION ACT OF 1973

Amendment to Procedures and Requirements Regarding Applications and Disbursements

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Amendment to Final Rule.

SUMMARY: On March 5, 1976, the Federal Railroad Administration published in the FEDERAL REGISTER (41 FR 9692) final regulations (Regulations) governing assistance to States and persons in the northeast and midwest region for continuation of local rail services under section 402 of the Regional Rail Reorganization Act of 1973, as amended (Act). The regulations contained a requirement that funds in excess of a State's needs as reflected in its 1977 program of projects are to be reallocated on December 1, 1977. This document amends the reallocation provisions by deleting the requirement for a reallocation of funds on December 1, 1977. This amendment is necessitated by the fact that many State Rail Plan Updates, which serve as the bases for the various State programs of projects, were delayed and/or deficient. As a consequence, the annual certified programs of projects due from the States to FRA on November 1, 1977, which are based on the annual updates, and which form the bases for the FRA determination of the amounts of funds available for reallocation, were also delayed. In addition, FRA's inability to determine the mileage data needed to apportion funds until November 3, 1977, contributed to the delay in submission of the program of projects.

DATES: Effective Date: November 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Mark H. Tessler, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, 202-426-7737 (the principal author).

SUPPLEMENTARY INFORMATION: The amendment provided herein will not affect the overall costs or benefits of the local rail services program and thus an evaluation of the expected impact of the regulations pursuant to the Department of Transportation Policies to Improve Analysis and Review of Regulations (41 FR 16200) is not required.

It is DOT policy that the operating administrations within the Department follow the notice-and-comment procedure of the Administrative Procedure Act (5 U.S.C. 553) for rules that relate to public property, loans, grants, benefits or contracts which have a substantial public interest even though these rules are exempt from notice-and-comment procedures (41 FR 42824). This amendment does not have a substantial public interest and, accordingly, the notice-and-comment procedure will not be followed in this proceeding.

In consideration of the foregoing, 49 CFR Part 255 is amended as follows:

§ 255.7 [Amended]

1. Section 255.7(d)(2) is revised to read as follows:

(d) * * *

(2) All funds remaining available for obligation will be reallocated on June 1, 1976, and December 1, 1976. Funds available for reallocation in Federal fiscal year 1978, will be reallocated, if practicable, after notice has been provided to participating States by the Administrator.

2. Section 255.7(d)(3) is changed to read:

(d) * * *

(3) The amount available for reallocation on June 1, 1976 will be that in excess of the States' total estimated needs as reflected in approved applications through September 30, 1976 plus the States' anticipated additional needs for the period through September 30, 1976 as contained in the latest certified program of projects, approved by the Administrator, which lead to specific applications in accordance with § 255.11. The amount available for reallocation on December 1, 1976 will be the amount of the new appropriation and the balance of unobligated funds from the prior year in excess of the funds needed by the States to maintain their programs for each Federal fiscal year. The amounts available for reallocation in Federal fiscal year 1978, will be the amounts in excess of the funds needed by the States to maintain their programs until the termination of the program, based on their approved programs of projects.

(Regional Rail Reorganization Act of 1973, as amended, 45 U.S.C. 701 et seq.; the Department of Transportation Act, as amended, 49 U.S.C. 1651 et seq.; Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49 (q) and (u).)

NOTE: The FRA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: November 30, 1977.

JOHN M. SULLIVAN,
Administrator.

[FR Doc. 77-35144 Filed 12-7-77; 8:45 am]

[7035-01]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S. O. No. 1286-A]

PART 1033—CAR SERVICE

Erie Western Railway Co. Authorized To Operate Over Tracks of Chicago and Western Indiana Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1286-A).

SUMMARY: Service Order No. 1286 authorized the Erie Western to operate over tracks of the Chicago and Western Indiana between its connection with the line at State Line Tower, Hammond, Indiana, and a connection between the CWI and the Belt Railway Company of Chicago at Pullman Junction, Illinois. Service Order No. 1286-A vacates Service Order 1286.

DATE: Effective 11:59 p.m., November 5, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-775-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION:

The order is printed in full below:
At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 2d day of December 1977.

Upon further consideration of Service Order No. 1286 (42 FR 59503), after receipt of additional information, and good cause appearing therefor:

It is ordered, That: § 1033.1286 *Service Order No. 1286*, the Erie Western Railway Co. authorized to operate over tracks of Chicago and Western Indiana Railroad Co., is vacated effective 11:59 p.m., December 5, 1977.

(49 U.S.C. 1(12), (15), (16), (17(2)).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of

that agreement and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

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

[FR Doc. 77-35142 Filed 12-7-77; 8:45 am]

[7035-01]

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[Docket No. 32448 (Sub-No. 1)]

PART 1211—RATE BUREAUS

Uniform System of Accounts

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: By Notice of Proposed Rulemaking published at 41 FR 46013, October 19, 1976, the Interstate Commerce Commission announced that it had under consideration adoption of a Uniform System of Accounts for Rate Bureaus (USOA) that would provide uniformity in the manner financial data is accumulated, accounted for, and maintained by rate bureaus. The Commission now prescribes a Uniform System of Accounts for Rate Bureaus with annual operating revenues of \$100,000 or more. This uniformity should facilitate the preparation of Annual Report Form RBO and aid the Commission in its accelerated field monitoring and inspection activities.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

James B. Thomas, Jr., Director, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, 202-775-7565.

SUPPLEMENTARY INFORMATION:

By Notice of Proposed Rulemaking dated September 21, 1976, and served October 19, 1976, (41 FR 46013,) the Commission announced that it had under consideration the adoption of a Uniform System of Accounts for Rate Bureaus (USOA) that would provide uniformity in the manner financial data is accumulated, accounted for, and maintained by rate bureaus. This uniformity should facilitate the preparation of Annual Report Form RBO and aid the Commission in its accelerated field monitoring and inspection activities.

The development and adoption of USOA is responsive to Finding 6, Rate

Bureau Investigation, 349 I.C.C. 811, affirmed 351 I.C.C. 437. In that proceeding, the Commission concluded, among other things, that an accounting system should be prescribed for carrier rate-making organizations operating pursuant to agreements approved under Section 5a or 5b of the Interstate Commerce Act.

Under the prescribed rules, rate bureaus or conferences with annual operating revenues of \$100,000 or more will be required to maintain the USOA. The \$100,000 revenue guideline will insure maintenance of needed data without imposing an undue burden on small carriers.

We received thirteen responses to the Notice from the parties listed in Appendix B. Revisions to the instructions, accounts and account texts were implemented to the extent practicable. Other revisions proposed by the respondents concerning special exemptions, an increased revenue classification guideline, fiscal year reporting, and certified financial statements filed in place of Annual Report Form RBO were not adopted and disposed of accordingly.

It is intended that the USOA become effective for the year beginning January 1, 1978.

Issued in Washington, D.C., December 1, 1977, by the Commission.

(49 U.S.C. 5b, 5c, 12, 20.)

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

Under Title 49 (CFR) Part 1211, add the following instructions, definitions, chart of accounts, and account texts:

Rate Bureau Instructions

1. Classification of bureaus.
2. Records.
3. Accounting period.
4. Charges to be just and reasonable.
5. Interpretations of prescribed accounting.
6. Long-term obligations.
7. Extraordinary, unusual or infrequent items, prior period adjustments and accounting changes.

CHART OF ACCOUNTS—BALANCE SHEET ACCOUNT EXPLANATIONS

CHART OF ACCOUNTS—REVENUE AND EXPENSES, REVENUE AND EXPENSE ACCOUNT EXPLANATIONS

FORM OF STATEMENT OF FINANCIAL POSITION

FORM OF STATEMENT OF RESULTS OF OPERATIONS

DEFINITIONS

1. "Accounts," means the accounts prescribed in this system of accounts.
2. "Amortization," means the gradual reduction of an amount in an account by prorating such amount over either a fixed period dependent on the requirements of regulatory bodies, life of the asset or liability to which it applies or over the period of anticipated benefit.
3. "Bureau," means a rate bureau or conference subject to Sections 5a and 5b of the Interstate Commerce Act, 49 U.S.C. 5b and 5c.

4. "Commission," means the Interstate Commerce Commission.

5. "Current assets," means cash as well as those assets that are readily convertible into cash or are held for current use in operations or construction; current claims against others, payment of which is reasonably assured; and other amounts accruing to the bureau which are subject to settlement within one year from the date of the current financial statements or upon demand.

6. "Current liabilities," means those obligations the amount of which is definitely determined or closely estimated which are either matured or become due within one year from date of the current financial statements or assumption or upon demand.

7. "Long-term obligations," means obligations having a life of more than one year, from the date of creation or assumption, which will not be paid within one year from the date of the current financial statements.

Rate Bureau Instructions

1. Classification of bureaus.

(a) For purposes of accounting regulations, bureaus are grouped into the following classes:

Class I: Bureaus having annual operating revenues of \$100,000 or more.

Class II: Bureaus having annual operating revenues of less than \$100,000.

(b) (1) The class to which any bureau belongs shall be determined by annual operating revenue. If, at the end of any calendar year, such annual operating revenue is greater than the maximum for class II, the bureau shall adopt the accounting requirements of class I. A class II bureau's adoption of class I classification shall be effective as of January 1 of the second succeeding year. Only class I bureaus will be required to maintain the prescribed uniform system of accounts.

(2) If, at the end of any calendar year, a bureau's annual operating revenue is less than the minimum of class I, and has been for three consecutive years, the bureau shall adopt class II status effective January 1 of the following year.

(3) Bureaus shall notify the Commission of any change in classification by completing and returning the Classification Form by October 31.

(4) Any bureau which begins operations shall be classified in accordance with a reasonable estimate of its annual operating revenues.

(5) When a business combination occurs, such as a merger, reorganization, or consolidation, the surviving bureau shall be reclassified effective January 1 of the next calendar year on the basis of the combined revenue for the year when the combination occurred.

(6) In unusual circumstances, where the classification regulations will unduly burden the bureau, the bureau may request the Commission for an exception to the regulations. This request shall be in writing specifying the conditions justifying an exception.

2. Records.

(a) All of the accounts prescribed in this system of accounts shall be kept when applicable and entries recorded by the double entry method. Each account in the general or subsidiary ledgers shall reflect the prescribed account number. In circumstances where use of or conversion to the prescribed account coding scheme is impractical, the bureau may continue to use its coding scheme provided that an adequate conversion system is developed to assist Commission personnel in the review and inspection of bureau accounting records. Account titles shall clearly indicate the type of items included if the exact titles prescribed herein are not used.

(b) Each bureau shall keep its general accounting books, and all other books, records, and memoranda which support in any way the entries to such accounting books, and analyses of general ledger account balances, readily accessible so that it can furnish at any time full information as to any account. Moreover, the month, day, year, and posting reference shall be shown for each entry in the general ledger and subsidiary records and entries shall be supported with detailed information that will provide a ready analysis and verification of the facts recorded therein. All expenditures, including the expense accounts of officers and employees, shall be supported by vouchers, payrolls, receipted bills, canceled checks, receipts for petty cash payments, or other evidences of the expenditures to the extent practicable.

(c) The books referred to herein include not only books of accounts in a limited technical sense but all other records such as minute books, stock books, reports, correspondence, and memoranda which will be useful in developing the history of or facts regarding any transaction.

(d) Bureaus shall not destroy any books, records, or memoranda which support entries to their accounts unless the destruction thereof is specifically provided for in the regulations to govern the destruction of records. (Part 1253 of this chapter.)

(e) Subdivision of any account in this system of accounts may be kept, provided that such subdivisions do not impair the integrity of the accounts prescribed. The Commission reserves the right to order any bureau to subdivide any account in this system of accounts. The title of each such subdivision shall clearly indicate the account of which it is a part. Each subdivision of a prescribed account may be identified by a suffix to the prescribed account number. When an account is subdivided in the general ledger, an account need not be maintained for the total of the subdivisions. When such subdivisions are carried in subsidiary ledgers, however, the general ledger shall contain the controlling accounts therefor so that a complete general ledger trial balance may be obtained.

3. Accounting period.

(a) Each bureau shall keep its books on the basis of either (1) an account-

ing year of 12 months ending on the 31st day of December in each year, or (2) an accounting year of thirteen 4-week periods ending at the close of the last seven days of each calendar year.

(b) A bureau electing to adopt an accounting year of thirteen 4-week periods shall file with the Commission a statement showing the day on which its accounting year will close. A subsequent change in the accounting period may not be made except by authority of the Commission.

(c) To avoid repetition, wherever "calendar year" appears in this system of accounts it is intended to also mean "or an accounting year of thirteen 4-week periods" and wherever "month" appears it is intended to also mean "or 4-week period."

(d) For each month all applicable transactions, including full accruals, shall be entered in the books of original entry and posted to the general ledger. A trial balance of the general ledger accounts shall be prepared at the close of each month setting out the account number, title, and amount of each ledger account. (Mechanical, electronic or automatic data processing equipment producing printouts that are the equivalent of manually prepared trial balances shall identify balances by account numbers.) At the close of the calendar year, revenue, expense, and other income accounts shall be closed and the balance sheet account balances shall be brought forward to the general ledger for the succeeding year.

(e) The final entries for any month shall be made in the general ledger not later than 60 days after the last day of the month for which the accounts are stated, unless otherwise authorized by the Commission. The period which the final entries for the last month of the calendar year shall be made may be extended to such date in March of the following year as shall not interfere with the preparation and filing of annual reports.

(f) No changes shall be made in the accounts for annual reports that have been filed with the Commission unless the changes have first been authorized by the Commission.

4. Charges to be just and reasonable.

All charges to operating revenues, operating expenses, and other bureau expenses prescribed in this system of accounts shall be just, reasonable and not exceed amounts necessary for the honest and efficient operation and management of the bureau. Payments shall not exceed the fair market value of goods and services acquired in an arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in other revenues or expenses.

5. Interpretation of prescribed accounting.

(a) The cross-reference included in, and notes following, the texts of various instructions and accounts are for the purpose of indicating the applicable pro-

visions of other sections. Such references are not to be construed as comprising a complete list of the instructions relating to a particular subject, since the definitions, the general instructions, and the texts of each account must be given consideration in determining the prescribed accounting.

(b) All questions of doubtful interpretation of the prescribed system of accounts shall be submitted by responsible accounting officials to the Commission for consideration and decision.

6. Long-term obligations.

When evidences of debt (other than unsecured advances payable) which do not mature within one year from date of issuance are issued or assumed, the face amount of such evidences of debt shall be recorded in the account captioned, "Long-term obligations."

7. Extraordinary, unusual or infrequent items; prior period adjustments; and accounting changes.

(a) *Extraordinary Items.* (1) All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the bureau operates; they must also meet the materiality standard.

(2) Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated, or only incidentally related, to the ordinary and typical activities of the entity.

(3) Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(b) *Unusual or Infrequent Items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be included in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Prior Period Adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period, the accounting effects of which could not be determined with reasonable assurance at that time shall be reported as prior period adjustments. A prior period adjustment should be reported by restating the beginning balance of retained earnings of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) They can be specifically identified with the directly related to the business activities of particular prior periods, (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, (3) depend primarily on determinations by persons

other than management, (4) were not susceptible of reasonable estimation prior to such determination, and (5) they are material. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(d) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(e) *Materiality.* As a general standard an item shall be considered material when it exceeds 10 percent of annual income (loss) before extraordinary items. An item may also be considered in relation to the trend of annual earnings before extraordinary items or other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(f) *Commission Approval and Accountant's Letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the bureau retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

NOTE: The bureau may refer to GAAP for further guidance in applying Instruction 7.

RATE BUREAU CHART OF ACCOUNTS

Assets

1010	Regular and payroll deposits.
1020	Special deposits.
1030	Petty cash.
1040	Short-term investments.
1045	Notes receivable.
1050	Accounts receivable—trade.
1060	Accounts receivable—other.
1070	Allowance for doubtful accounts.
1080	Prepayments.
1090	Supplies inventory.
1200	Other current assets.
1215	Land.
1220	Buildings.
1230	Accumulated depreciation.
1240	Furniture, fixtures and equipment.
1250	Accumulated depreciation.
1260	Vehicles.
1270	Accumulated depreciation.
1280	Other.
1290	Accumulated depreciation.
1300	Leasehold improvements.
1310	Accumulated amortization.
1320	Deferred charges.
1330	Special funds.
1340	Other assets.

Liabilities

2010	Notes payable.
2020	Accounts payable.
2030	Payroll taxes payable.
2040	Employee benefits payable.
2050	Accrued liabilities.
2060	Membership applications pending.
2070	Dues and assessments collected in advance.
2080	Deferred credits.
2090	Long-term obligations.

Member Equity

3010	Net worth.
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Operating Revenues

4100	Member assessments.
4200	Admission fees.
4300	Bulletin fees.
4400	Tariff fees.
4500	Participation fees.
4600	Quotation fees.
4700	Other.

Operating Expenses

5010	Salaries and wages.
5020	Payroll taxes.
5030	Employee benefits.
5040	Professional services.
5050	Depreciation.
5060	Amortization.
5070	Outside printing.
5080	Operating supplies.
5090	Postage and mailing fees.
5100	Rate committee.
5110	Utilities and communication services.
5120	Rents.
5130	Travel and entertainment.
5140	Uncollectible accounts.
5150	Insurance.
5160	Property and other taxes.
5170	Miscellaneous.

Other Revenues

4810	Interest.
4820	Gain on asset disposition.
4830	Extraordinary, unusual or infrequent items, and accounting changes.

Other Expenses

5210	Interest.
5220	Loss on asset disposition.
5230	Extraordinary, unusual or infrequent items, and accounting changes.

RATE BUREAUS

TEXT OF ACCOUNTS

Assets

1010	Regular and payroll deposits. This account shall include all deposits in banks or trust companies (including savings accounts) available on demand for paying general Bureau obligations and payrolls.
1020	Special deposits. This account shall include bank deposits subject to withdrawal for specific purposes only, and cash and bank credits placed in the hands of fiscal agents or others for special purposes (other than the payments of interest or dividends), such as deposits with Federal, State, or municipal authorities, public utilities, insurance companies, or others, as a guaranty for the fulfillment of current obligations. Entries to this account shall specify the purpose for which the deposit is made.
1030	Petty cash. This account shall include amounts advanced to officers, agents, employees and others as petty cash or working funds of a continuing nature from which certain expenditures are to be made and accounted for.

- 1040 *Short-term investments.* This account shall include the book cost of investments such as time drafts and loans receivable, marketable securities and similar investments acquired for the purpose of temporarily investing cash. Any securities included in this account must be of such a nature as to be readily convertible into cash at substantially their book value.
- 1045 *Notes receivable.* This account shall include the current book cost of collectible obligations in the form of notes receivable or similar evidences of money receivable and all interest accrued on such receivables.
- 1050 *Accounts receivable—trade.* This account shall include amounts currently due for membership dues, bulletin fees, tariff fees, supplements, participation and quotation fees.
- 1060 *Accounts receivable—other.* This account shall include amounts currently due from employees and others for advances, loans and other short-term indebtedness.
- 1070 *Allowance for doubtful accounts.* This account shall include amounts specifically or systematically reserved from receivables which may become uncollectible.
- 1080 *Prepayments.* This account shall include amounts paid or incurred in advance for insurance, taxes, postage, interest and other expenses, the benefits of which are to be realized in subsequent periods.
- 1090 *Supplies inventory.* This account shall include the cost of all unused printing, mailing and office supplies used in Bureau operations. Inventories of materials and supplies should be taken on intervals of one year or less and appropriate adjustments should be made to bring this account into agreement with actual physical inventory.
- 1200 *Other current assets.* This account shall include the cost of all other current assets not specifically provided for elsewhere.
- 1215 *Land.* This account shall include the cost of land acquired for the purpose of carrying out bureau functions. This should exclude the cost of buildings provided for in Account 1220.
- 1220 *Buildings.* This account shall include the cost of buildings and structures and any fixtures permanently affixed thereto.
- 1240 *Furniture, fixtures and equipment.* This account shall include the installed cost of furniture, fixtures, appliances and equipment used in bureau operations.
- 1260 *Vehicles.* This account shall include the total cost of all vehicles purchased and used by the bureau.
- 1280 *Other.* This account shall include the cost of all other depreciable assets used in bureau operations.
- 1290 *Accumulated depreciation.* An accumulated depreciation account should be maintained for each property or equipment classification and include the amount of cost charged to expense as depreciation during the current and prior periods.
- 1300 *Leasehold improvements.* This account shall include the initial cost and subsequent additions and betterments to property held under lease by the bureau.

- 1310 *Accumulated amortization.* This account shall include the cost of leasehold improvements charged to expense as amortization.
- 1320 *Deferred charges.* This account shall include all charges of a deferred nature which are to be subsequently amortized to expense.
- 1330 *Special funds.* This account shall include the amount of cash and cost of securities and other assets which have been specifically set aside to provide a fund for the replacement of depreciable property or other special purposes.
- 1340 *Other assets.* This account shall include the long-term portion of all other assets not specifically provided for elsewhere. This account will include investments in marketable securities and notes maturing later than one year from the date of the current financial statements; cash surrender values of life insurance policies on the lives of officers and employees; accounts receivable not subject to current settlement; costs incident to organization.

Liabilities and Equity

- 2010 *Notes payable.* This account shall include the current portion of outstanding obligations in the form of notes, drafts, acceptances, advances, loans and similar evidences of indebtedness. This account shall also include all accrued interest currently payable on the aforementioned obligations.
- 2020 *Accounts payable.* This account shall include amounts payable to others that are subject to current settlement, for materials and supplies, services received, matured rents and related services.
- 2030 *Payroll taxes payable.* This account shall include undeposited FICA, Federal, state and city income taxes withheld from employees.
- 2040 *Employee benefits payable.* This account shall include amounts withheld and payable for employee life insurance, hospitalization, pension or retirement contributions, bond allotments and other employee benefits.
- 2050 *Accrued liabilities.* This account shall include amounts accrued for salaries, payroll taxes, employee benefits and all other expenses.
- 2060 *Membership applications pending.* This account shall include amounts received from prospective members in advance of the effective date of their membership.
- 2070 *Assessments collected in advance.* This account shall include dues and assessments received in advance from active members.
- 2080 *Deferred credits.* This account shall include all other credits of a deferred nature which are subsequently to be amortized.
- 2090 *Long-term obligations.* This account shall include the long-term portion of outstanding obligations in the form of notes, drafts, acceptances, advances, loans and similar evidences of indebtedness.
- 3010 *Net worth.* This account represents the net worth of the Bureau or Conference and shall include the excess of revenues over expenses or expenses over revenues for the accounting period. Subsequent distributions of over assessments to members should be charged to this account.

Operating Revenues

- 4100 *Member assessments.* This account shall include all assessments to members on a regular basis for general expenses and services not charged for on a specific basis. It shall also include charges for watching services.
- 4200 *Admission assessments.* This account shall include one-time admission fees assessed to new members and members reinstated after suspension or cancellation of prior memberships. This account shall be debited for refunds or credit memos issued for adjustments.
- 4300 *Bulletin assessments.* This account shall include all fees assessed to subscribers for bulletin service fees.
- 4400 *Tariff fees.* This account shall include all fees assessed to subscribers for tariff printing and distribution services, tariff supplements, extra copies of tariffs to members above their regular allotment, and division sheets.
- 4500 *Participation assessments.* This account shall include all fees assessed to carrier non-members to participate in bureau tariffs.
- 4600 *Quotation assessments.* This account shall include all fees assessed to non-members for preparation and distribution of additional quotations.
- 4700 *Other.* This account shall include all other operating revenues not specifically provided for elsewhere.

Operating Expenses

- 5010 *Salaries and wages.* This account shall include amounts paid and accrued for gross salaries and wages of executives, supervisory, clerical and other personnel.
- 5020 *Payroll taxes.* This account shall include FICA, unemployment and other payroll taxes paid and owed to Federal and state taxing authorities.
- 5030 *Employee benefits.* This account shall include the net payments (premiums or contributions less dividends or refunds) to trustees or commercial insurance companies for retirement benefits, payments made directly to retired employees, and payments for other payroll related benefits.
- 5040 *Professional services.* This account shall include amounts paid for advisory and consulting services relating to non-routine business decisions. This account shall include fees for accounting, legal, auditing and consulting services.
- 5050 *Depreciation.* This account shall include the cost of buildings, furniture, fixtures, equipment, vehicles and all other depreciable assets charged to expense during the current accounting period.
- 5060 *Amortization.* This account shall include the cost of leasehold improvements and other assets charged to expense as amortization during the current accounting period.
- 5070 *Outside printing.* This account shall include all printing costs paid to outside vendors.
- 5080 *Operating supplies.* This account shall include the cost of paper, cards, tapes, envelopes and other supplies used in data processing and regular business operations.

5090 *Postage, mailing and distribution.* This account shall include all postage, mailing and distribution fees related to tariffs, bulletins and other special matters.

5100 *Rate committee expense.* This account shall include all charges directly related to rate meetings and other carrier functions such as Board of Directors and Membership meetings.

5110 *Utilities and communication services.* This account shall include the cost of heat, light, power, telephone, telegraph and other related services used in Bureau operations.

5120 *Rent.* This account shall include charges for leased or rented offices, vehicles and equipment used in Bureau operations.

5130 *Travel and entertainment.* This account shall include the cost of traveling and entertaining for the benefit of the Bureau. Items included in this account shall include, but are not limited to, automobile allowances, banquets, conventions, hotels, meals, meetings, public transportation fees and business gifts.

5140 *Uncollectible accounts.* This account shall include all expenses incurred and related to uncollectible accounts receivable.

5150 *Insurance.* This account shall include the net cost, (premiums less dividends or refunds) of property, liability and other insurance coverage. This account shall also include the amount of prepaid insurance premiums amortized to insurance expense during the accounting period.

5160 *Property and other taxes.* This account shall include charges for real estate, personal property and other miscellaneous taxes and licenses assessed by governmental organizations.

5170 *Miscellaneous.* This account shall include charges related to the publication and filing of tariffs and supplements with government agencies, bank fees, deliveries, repairs and maintenance and other expenses not specifically provided for elsewhere.

Other Revenues

4810 *Interest.* This account shall include interest accruing and earned upon securities of other companies; Federal, state and municipal governments; loans, notes, advances, special deposits and all other interest bearing assets.

4820 *Gains on asset dispositions.* This account shall reflect the gains recognized on dispositions of depreciable and non-depreciable Bureau assets.

4830 *Extraordinary, unusual or infrequent items and accounting changes.* This account shall include gains from extraordinary, unusual or infrequent items and accounting changes in accordance with the text of Instruction 7.

Other Expenses

5210 *Interest.* This account shall include interest and finance costs charged by banks, lending institutions, and other sources on Bureau indebtedness.

5220 *Loss on asset dispositions.* This account shall reflect the losses recognized on sales, retirements or trade-ins of depreciable and non-depreciable assets.

5230 *Extraordinary, unusual or infrequent items and accounting changes.* This account shall include losses from extraordinary, unusual or infrequent items and accounting changes in accordance with the text of Instruction 7.

GENERAL FORM OF STATEMENT OF FINANCIAL POSITION

ASSETS

Current Assets:

1010-1030 Cash.
1045 Notes receivable.
1050-1060 Accounts receivable.
1070 Less: Allowance for doubtful accounts.
1040 Short term investments.
1090 Prepayments.
1200 Supplies inventory.
1210 Other current assets.

Total Current Assets.

Non-Current Assets:

Operating Properties:
1215 Land.
1220 Buildings.
1240 Furniture, fixtures and equipment.
1260 Vehicles.
1280 Other.

Total.

1230, 1250, 1270, 1290 Less: Accumulated depreciation.
1300 Leasehold improvements.
1310 Less: Accumulated amortization.
1320 Deferred charges.
1330 Special funds.
1340 Other assets.

TOTAL ASSETS

LIABILITIES AND MEMBER EQUITY

Current Liabilities:

2010 Notes payable—current.
2020 Accounts payable.
2030, 2040 Payroll taxes and benefits payable.
2050 Accrued liabilities.
2060 Membership application pending.
2070 Assessments collected in advance.

Total Current Liabilities.

Non-Current Liabilities:

2080 Deferred credits.
2090 Long-term obligations.

TOTAL LIABILITIES

Member Equity:

3010 Net worth.

TOTAL LIABILITIES AND MEMBER EQUITY

GENERAL FORM OF STATEMENT OF RESULTS OF OPERATIONS

Operating Revenues:

4100 Member assessments.
4300 Bulletin assessments.
4400 Tariff assessments.
4500 Participation assessments.
4600 Quotation assessments.
4200 Admission assessments.
4700 Other revenues.

TOTAL OPERATING REVENUES

Operating Expenses:

5010 Salaries and wages.
5020 Payroll taxes.
5030 Employee benefits.
5040 Professional services.
5050 Depreciation.
5060 Amortization.
5070 Outside printing.

5080 Operating supplies.

5090 Postage, mailing and distribution.

5100 Rate committee.

5120 Rents.

5150 Insurance.

5110 Utilities and communication services.

5160 Property and other taxes.

5140 Uncollectible accounts.

5130 Travel and entertainment.

5170 Miscellaneous.

TOTAL OPERATING EXPENSE

EXCESS (DEFICIT) OF OPERATING REVENUES OVER EXPENSES

Other Revenues:

4810 Interest.
4820 Gains on asset dispositions.
4830 Extraordinary, unusual or infrequent items, and accounting changes.
Other: (specify).

TOTAL OTHER REVENUES

Other Expenses:

5210 Interest.
5220 Losses on asset dispositions.
5230 Extraordinary, unusual or infrequent items, and accounting changes.
Other: (specify).

TOTAL OTHER EXPENSES

EXCESS (DEFICIT) OF REVENUES OVER EXPENSES

APPENDIX B

Association of American Railroads (AAR).
Central and Southern Motor Freight Tariff Association (CS MFTA).
Central States Motor Freight Bureau, Inc. (CSMFB).
Household Goods Carriers Bureau (HGOB).
Middle Atlantic Conference (MAC).
Middlewest Motor Freight Bureau (MMFB).
Movers and Warehousemen's Association (MWA).
National Classification Committee (NCC).
Rocky Mountain Motor Tariff Bureau (RMMTB).
Southern Motor Carrier Rate Conference (SMCRC).
Southern Ports Foreign Freight Committee (SPFFC).
National Industrial Traffic League (NITL).
Western Railroad Traffic Association (WRTA).

[FR Doc.77-35105 Filed 12-7-77;8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Opening of Tewaukon National Wildlife Refuge, N. Dak., to Winter Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

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

DATES: December 19, 1977, through March 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Forrest W. Cameron, Refuge Manager,
Tewaukon National Wildlife Refuge,
Cayuga, N. Dak. 58013, 701-724-3598.

SUPPLEMENTARY INFORMATION:

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

Winter sport fishing is permitted on the Tewaukon National Wildlife Refuge, N. Dak., only on the areas designated by signs as being open to fishing. These open areas are Lake Tewaukon, Mann Lake, Sprague Lake, which comprise of 1,440 acres and are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Box 1897, Bismarck, N. Dak. 58501. Sport fishing shall be in

accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE: The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: November 23, 1977.

FORREST W. CAMERON,
Refuge Manager.

[FR Doc.77-35074 Filed 12-7-77; 8:45 am]

proposed rules

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

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 928]

HANDLING OF PAPAYAS GROWN IN HAWAII

Proposed Expenses, Rate of Assessment, and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses and a rate of assessment for the 1978 fiscal period, to be collected from handlers to support activities of the Papaya Administrative Committee which locally administers the Federal marketing order covering papayas grown in Hawaii.

DATES: Comments must be received by December 28, 1977. Proposed effective dates: January 1, through December 31, 1978.

ADDRESSES: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077 South Building, Washington, D.C. 20250, where they will be available for public inspection during business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

SUPPLEMENTARY INFORMATION: The proposals under consideration were submitted by the committee, established under Marketing Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions.

The proposals are:

(a) Expenses that are reasonable and likely to be incurred by the Papaya Administrative Committee during the period January 1, 1978, through December 31, 1978, will amount to \$433,800.

(b) The rate of assessment for said period payable by each handler in accordance with § 928.41 is fixed at \$0.006 per pound of papayas.

(c) Unexpended assessment funds in excess of expenses incurred during the fiscal period ended December 31, 1977,

shall be carried over as a reserve in accordance with § 928.42.

Dated: December 5, 1977.

WILLIAM J. HIGGINS,
Acting Deputy Director, Fruit
and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 77-35147 Filed 12-7-77; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 111]

POLLUTION CONTROL FINANCING GUARANTEES

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: An amendment to the Small Business Act and the Small Business Investment Act approved June 4, 1976 (90 Stat. 663) authorized the Small Business Administration to provide guarantees of financing to acquire facilities for the control of air, noise or water pollution or contamination. These proposed rules are designed to implement this authority.

DATES: Comment must be received by February 6, 1978.

ADDRESSES: Comments to: John M. Trask Jr., Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

Earl L. Chambers, Director, Office of Community Development, 1441 L Street NW., Washington, D.C. 20416, 202-653-6227.

SUPPLEMENTARY INFORMATION: Prior to the enactment of the above cited authority SBA's environmental improvement assistance to small concerns was limited to loans for the control of air and water pollution authorized by secs. 7(b)(5) and 7(g)(1), respectively, of the Small Business Act. Under Pub. L. 94-305 SBA may guarantee the full amount of payments due under any "qualified contract" for the acquisition, installation, planning, design or construction of such property as SBA determines is likely to help prevent, reduce, abate or control

noise, air or water pollution or contamination. The financing furnished by any person to any small concern may be made through a lease, loan agreement, installment sales contract or through the sales proceeds of industrial revenue bonds, regardless of whether the interest paid to the holder of such bonds is subject to Federal income tax.

Subsequent to the enactment of this new authority SBA conducted a pilot project in the State of California to familiarize appropriate personnel with procedures and practices prevailing in bond-related financing, which was that particular phase of the new program which received immediate public acceptance and demand. As a result of its experience in the State of California and communication with other state pollution control authorities and small concerns, a new Part 111 to Chapter 1 of Title 13 of the Code of Federal Regulations is now proposed to be adopted.

Pursuant to the authority of section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, it is proposed to adopt, as set forth below, Part 111 of Chapter 1, Title 13 of the Code of Federal Regulations.

PART 111—POLLUTION CONTROL

- | | |
|--------|---|
| Sec. | |
| 111.1 | Statutory provisions. |
| 111.2 | Policy. |
| 111.3 | Definitions. |
| 111.4 | Eligibility. |
| 111.5 | Procedure for guarantee applications. |
| 111.6 | Participation agreement. |
| 111.7 | Terms of guarantee and fees. |
| 111.8 | Qualified contract. |
| 111.9 | Trustee's functions—minimization of losses. |
| 111.10 | Payments of installments in default. |

AUTHORITY: 15 U.S.C. 634(b)(6), 694-1 and 694-2, Pub. L. 94-305, approved June 4, 1976 (90 Stat. 663).

§ 111.1 Statutory provisions.

The statutory provisions will be found at 15 U.S.C. 694-1 and 694-2.

§ 111.2 Policy.

It is the intent of Congress to assist existing Small Concerns which are or are likely to be at an operational or financing disadvantage with other business concerns with respect to the planning, design, or installation of pollution control facilities, or the obtaining of financing therefor, by authorizing SBA to guarantee fully (100 percent), directly or in cooperation with others, the periodic payments due in connection with the

purchase or lease of such Facilities under a Qualified Contract. The guarantee shall be a full faith and credit obligation of the United States, and may be issued notwithstanding that the pollution control Facility is acquired by the use of proceeds from tax-exempt industrial revenue bonds.

In those instances where revenue bond financing is uneconomic or is not practicable (e.g., for small amounts), or when the project may not qualify for tax-exemption, the Small Concern may seek financing assistance under SBA's Pollution Control (Small Business Investment Act Sec. 404, 15 U.S.C. 694-1), Air Pollution (Small Business Act Sec. 7(b)(5), 15 U.S.C. 636), or Water Pollution (Small Business Act Sec. 7(g)(1), 15 U.S.C. 636 (g)(1)) Loan Programs.

§ 111.3 Definitions:

Terms defined in this section are capitalized throughout this Part.

For the purposes of this Part:

"Administration" means the Small Business Administration.

"Default" means failure of the Small Concern to make payment of the guaranteed amounts due within the time required under a Qualified Contract.

"Escrow" means an amount, not to exceed one-fourth of the average annual payments for which a guarantee is issued, to be held by a trustee or SBA, and which shall be available to meet any payments in Default, or if no Default in payment occurs during the term of the Qualified Contract, to be applied (with accrued interest, if any) toward final payments under the Qualified Contract.

"Facility" means such property (both real and personal) as the Administration in its discretion determines is likely to help prevent, reduce, abate, or control noise, air, or water pollution or contamination by removing, altering, disposing, or storing pollutants, contaminants, wastes, or heat, and such property (both real and personal) as the Administration determines will be used for the collection, storage, treatment, utilization, processing, or final disposal of solid or liquid waste.

"Guarantee Fee" means the fee, payable to SBA upon issuance of the guarantee, of not more than 3½% of the minimum annual guaranteed payments under any qualified contract (See § 111.7(d) of this Part).

"Issuer" (when industrial revenue bond financing is used) means the duly constituted state or municipal authority which is authorized to issue industrial revenue bonds.

"Participant" means any company sharing the risk of loss with SBA pursuant to § 111.6.

"Person" includes corporations, companies, associations, cooperatives, firms, partnerships, societies, joint stock companies, States, agencies, territories and possessions of the United States or subdivisions of any of the foregoing, and

the District of Columbia, as well as individuals.

"Processing and Administrative Fee" means a fee payable to SBA to defray processing and administrative expenses connected with each application (See § 111.7 (c) and (e) of this Part).

"Qualified Contract" means a lease, sublease, loan agreement, installment sales contract, or similar instrument, meeting the requirements of § 111.8, entered into between a Small Concern and any Person.

"SBA" means the Small Business Administration.

"Small Concern" means a concern which qualifies as a small business under § 121.3-16 of this Chapter.

"Sponsor" (if any) means a commercial bank (usually the bank of account of the Small Concern), insurance company, surety company, or other such entity authorized by SBA, which assists the Small Concern in preparing its application for SBA assistance. The Sponsor reviews and analyzes the credit and financial data of the Small Concern and issues an opinion (1) on the Small Concern's creditworthiness in accordance with its and SBA's established credit criteria and requirements, and (2) as to the operational or financing disadvantage of the Small Concern for the financing required.

"Trustee" (when industrial revenue bond financing is used) means the trustee under an indenture between the Issuer and such Trustee relating to the Issuer's bonds.

§ 111.4 Eligibility.

In order to be eligible for a guarantee under this Part, the applicant must:

(a) Be independently owned and operated and not dominant in its field and must be eligible under SBA loan policy, as defined in Part 120 of this Chapter;

(b) Together with its affiliates (as defined in § 121.3-2(a) of this Chapter) qualify as a small business as defined in § 121.3-16 of this Chapter;

(c) Be at an operational or financing disadvantage with other business concerns with respect to the planning, design, or installation of pollution control Facilities, or the obtaining of financing therefor, or likely to suffer such disadvantage;

(d) Have been in operation for at least five years, and have a history of profitable operations during any three of the last five years preceding the date of the application;

(e) Provide evidence (usually from a pollution regulatory agency) of the need for the Facility, and that the Facility will help prevent, reduce, abate, or control pollution or contamination.

§ 111.5 Procedure for guarantee applications.

(a) Form: An application for guarantee shall be made on SBA Form 1136 and shall include all pertinent information

required in supporting schedules and exhibits.

(b) Place of Filing: The application shall be submitted to the Sponsor (if any) in triplicate, for transmission to SBA. Applications involving industrial revenue bond financing shall be filed at SBA's Central Office (1441 L Street NW., Washington, D.C. 20416). Other applications shall be filed at the SBA field office having jurisdiction over the principal place of business of the applicant Small Concern.

(c) Approval or Denial of Applications: No application for guarantee shall be approved unless the following conditions are met to SBA's satisfaction:

(1) Each application must be accompanied by a legible copy of the Qualified Contract (including supporting material).

(2) There is reasonable expectation that the Small Concern will perform all the terms, covenants, and conditions of the Qualified Contract.

(3) The terms, covenants, and conditions of the Qualified Contract have been approved by SBA.

(4) SBA will not guarantee or participate in any guarantee when the Sponsor or any Participant, or an Associate (as defined in § 120.1(d) of this Chapter) of either, has a direct or indirect interest in the Small Concern.

(5) SBA will not guarantee or participate in guaranteeing any obligation under a Qualified Contract for the purpose of financing, directly or indirectly, the purchase of real or personal property or of services from any Participant or sponsor or any of their Associates, unless SBA shall have first made a written determination that the purchase of the property or services is in the best interests of the Small Concern.

(6) SBA will not guarantee or participate in the guarantee of the refinancing of an existing obligation relating to a Facility unless SBA shall have first made a written determination that the terms of the existing obligation are causing an operational or financing disadvantage to the Small Concern, that refinancing on the terms proposed will relieve such disadvantage and will not violate § 120.2(d)(1) of this Chapter and that the refinancing is not available without SBA's guarantee or participation.

§ 111.6 Participation agreement.

SBA may enter into a participation agreement with a qualified surety company or other qualified company to share in the risk of loss.

§ 111.7 Terms of guarantee and fees.

(a) The repayment period will be amortized over the expected useful life of the Facility, generally not to exceed 25 years.

(b) The required financing to be guaranteed generally shall not exceed \$4,000,000 in principal.

(c) The Processing and Administra-

tive Fee relating to industrial revenue bond financing will be in accordance with the following schedule:

Agreement Amount of Payments (principal and interest) Guaranteed	Fee
Up to \$500,000-----	\$1,000.
\$500,001 to \$1,000,000--	\$1,000+.002 of over \$500,000.
\$1,000,001 to \$2,500,000.	\$2,000+.0015 of over \$1,000,000.
Over \$2,500,000-----	\$4,250+.001 of over \$2,500,000.

Each application shall be accompanied by \$500.00 of the Processing and Administrative Fee which is not refundable. The balance of the Processing and Administrative Fee is payable to SBA upon issuance of its guarantee.

If the application is approved, SBA may issue a commitment to guarantee which shall expire not later than twenty-four months from the date of the commitment.

(d) The Guarantee Fee shall be 3½ percent of the minimum annual guaranteed payments under the Qualified Contract. The fee of 3½ percent shall not be computed on escrowed funds. The Guarantee Fee will be computed as follows:

(Total Amount of Payments (Principal and Interest) Less: One-fourth of the average annual payments (Escrow)) X 3.5 percent.

(e) The Processing and Administrative Fee for the guarantee of financing, other than industrial revenue bond-related financing, shall be established and published in the future, but in no event shall the fee be less than \$250.00.

§ 111.8 Qualified contract.

To be qualified, a contract shall provide:

(a) For the acquisition, installation, planning, design or financing of a Facility.

(b) For any lien or security interest in the Facility that may be determined necessary by SBA.

(c) Identification of the parties; description and location of the Facility, the principal basic indebtedness therefor to be guaranteed (exclusive of those costs or expenses listed in (d) below), the rate of interest thereon and the number, amount and time of payments.

(d) That the Small Concern shall pay all costs related to the use, operation, maintenance, repair of, taxes or other liens on the Facility, licenses, insurance of any kind or any expenses in connection with additions, substitutions or modifications of the Facility or any part thereof, in order that the payments to be guaranteed shall be net of the aforesaid expenses.

(e) That costs or expenses exceeding the estimated costs or expenses set forth in the application shall be borne by the Small Concern.

(f) That all available manufacturer's warranties shall vest in the Small Concern upon its acquisition of possession or title to the Facility or any part thereof.

(g) That the Small Concern pay to the Trustee (if any), or an Escrow agent selected jointly by SBA and the Small Concern, an amount equal to one-fourth of the average annual guaranteed payments which shall be held in escrow by the Escrow agent and invested in direct obligations of, or obligations guaranteed as to principal and interest by, the United States, or in insured savings accounts (up to the amount of the insurance) in any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. Escrowed funds not so invested shall be deposited in a bank insured by the Federal Deposit Insurance Corporation or may be (a) invested in Time Certificates of Deposit maturing within one year or less, issued by any bank which is so insured (b) deposited in a savings account of such bank. Such Escrow amount plus interest thereon, if any, shall be drawn upon to meet any payments on which the Small Concern is in Default, or if no Default occurs, for application toward final payments. In the case of applications which are not related to industrial revenue bond financing, SBA may require the applicant to pay a cash down payment.

(h) That the obligations of the Small Concern to make the payments are absolute and unconditional; that the Small Concern shall have no legal right of set-off, recoupment or counterclaim against any Person; that the obligation shall continue absolute and unconditional in the event of total or partial condemnation of the Facility or the use thereof, or total or partial destruction of the Facility by fire or other hazard.

(i) Clauses setting forth events of Default and their consequences, including acceleration of the due date of the payments in the aggregate.

(j) The consent of the Small Concern to SBA's succession to the rights of the Person providing the Facilities for the purpose of collecting from the Small Concern in Default, payments which are in arrears and with respect to which such Person has received payments under the guarantee. Any collateral hypothecated as security to such Person shall immediately vest in SBA as security for its payment or payments.

(k) A statement that the instrument contains the entire agreement of the parties, and stipulation of the governing law.

§ 111.9 Trustee's functions—minimization of losses.

The functions of the Trustee are those which shall be specified in the indenture (if any) between the Issuer and the Trustee and shall include disbursement of bond proceeds, receipts of payments of principal and interest from the Small Concern, payment of interest on and redemption of bonds at maturity and notification of Default to the Small Concern and SBA. Upon occurrence of a Default in payment under the Qualified Contract, the Person (or Trustee) relying upon the guarantee shall, as a condition precedent

to enforcing any claim under the guarantee, utilize the entire period, for which there are funds available in Escrow, in reasonably diligent efforts to eliminate or minimize losses and no claim shall be made or paid under the guarantee until such effort has been made and such Escrow funds have been exhausted.

§ 111.10 Payments of installments in default.

After the Escrow, if any, and interest thereon, if any, has been utilized to meet payments on which the Small Concern is in Default, the Person (or Trustee) relying upon the guarantee shall file a claim with SBA for each additional payment in Default thereafter. SBA will pay the defaulted payments 15 days prior to the due date of interest payment specified in the industrial revenue bond (if any) or in the Qualified Contract if no industrial revenue bond is involved, until maturity or until the resumption of full payments by the Small Concern, or its successor or, if the Default is cause for acceleration of the indebtedness in the Qualified Contract, SBA may elect to pay the aggregate amount guaranteed and repossess the Facility or cause it to be repossessed for use in mitigating losses.

(Catalog of Federal Domestic Assistance Programs No. 59.027 (Pollution Control Financing Guarantee Program).)

Dated: November 29, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc. 77-35043 Filed 12-7-77; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 77-NE-22]

SIKORSKY MODEL S-58T SERIES
HELICOPTERS

Proposed Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) for Sikorsky Model S-58T Series Helicopters that would require relocation of the upstream connection of the impending fuel bypass indicator to denote a differential pressure drop across both the fuel heater and filter. This would detect impending fuel heater and/or fuel filter clogging. Heater clogging could result in fuel starvation with engine power loss.

DATE: Comments must be received on or before January 9, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No., 12 New Eng-

land Executive Park, Burlington, Mass. 01803.

The applicable service bulletin may be obtained from Sikorsky Aircraft, Division of United Technologies Corp., Stratford, Conn. 06602.

A copy of the service bulletin is contained in the Rules Docket, Office of the Regional Counsel (ANE-7), Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. 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 FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been several reports of engine power loss during flight operations on Sikorsky Model S-58T series helicopters. This was attributed to oil-to-fuel heater clogging from foreign matter. Since this condition is likely to exist or develop on other helicopters of the same type design, the proposed AD would require relocation of the upstream connection of the impending fuel bypass indicator for both power sections of the PT6T-3 and PT6T-6 engines, from the inlet side of the fuel pump filter to the inlet side of the oil-to-fuel heater in accordance with Sikorsky Service Bulletin No. 58B30-12C. This would indicate a differential pressure drop across both the fuel heater and filter indicating possible fuel heater and/or fuel filter clogging.

DRAFTING INFORMATION

The principal authors of this document are Martin Buckman, Propulsion Section, Engineering and Manufacturing Branch, and George L. Thompson, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regu-

lations (14 CFR 39.13) by adding the following new Airworthiness Directive:

SIKORSKY AIRCRAFT. Applies to all Model S-58T series helicopters.

Compliance required prior to April 18, 1978.

To preclude possible fuel starvation of the PT6T-3 and PT6T-6 engines resulting from oil-to-fuel heater contamination, relocate the impending fuel bypass sensor lines on both engine power sections in accordance with the instructions set forth in Part II, Paragraph A, of Sikorsky Service Bulletin No. 58B30-12C, dated January 12, 1976.

The manufacturer's service bulletin identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Sikorsky Aircraft, Division of United Technologies Corp., Stratford, Conn. 06602. These documents may also be examined at the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

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

Issued in Burlington, Mass., on November 29, 1977.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

NOTE.—The incorporation by reference provisions in this document was approved by the Director of the Federal Register on September 30, 1975.

[FR Doc. 77-34797 Filed 12-7-77; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Docket No. 77-SO-69]

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

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of proposed rulemaking.

SUMMARY: A public use instrument approach procedure is being developed for the Twin City Airport, Loris, S.C., and additional controlled airspace is required for containment of IFR operations. This proposed rule will designate the Loris, S.C., transition area and will lower the base of controlled airspace in the vicinity of the airport from 1,200 to 700 feet to accommodate the anticipated IFR operations.

DATE: Comments must be received on or before January 17, 1978.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

C. Herman Thompson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 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, Ga. 30320. All communications received on or before January 17, 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. 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 SW., 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 NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Loris, S.C., 700-foot transition area. This action will provide additional controlled airspace to accommodate aircraft performing IFR operations at Twin City Airport, Loris, S.C.

DRAFTING INFORMATION

The principal authors of this document are C. Herman Thompson, Airspace and Procedures Branch, Air Traffic Division, and Richard L. Faber, Office of Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Administration Regulations (14 CFR 71) by adding the following:

LORIS, S.C.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Twin City Airport (Lat. 34°05'19" N., Long. 78°52'02" W.); within 3 miles each side of the 259° bearing from the Benton NDB (Lat. 34°05'25" N., Long. 78°52'06" W.); extending from the 6-mile radius area to 8.5 miles each 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 does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on November 29, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 77-34980 Filed 12-7-77; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-SW-46]

TRANSITION AREA

Proposed Alteration; Withdrawal of Notice of Proposed Rulemaking

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The notice of proposed rulemaking (42 FR 55479, October 17, 1977) concerning alteration of the San Angelo, Tex., transition area to revise controlled airspace for aircraft executing new instrument approach procedures to the Mathis Field Airport is withdrawn.

DATE: December 8, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On October 13, 1977, the FAA published for comment a proposal to alter the San Angelo, Tex., transition area to revise controlled airspace for aircraft executing instrument approach procedures from a temporary NDB facility at Mathis Field. This facility was installed to provide straight-in approach capability to runway 18-36 while runway 13-21 was shut down for reconstruction.

The temporary facility is now scheduled for decommissioning November 1977, permanent revision of the San

Angelo transition area is unnecessary. Therefore, Airspace Docket No. 77-SW-46 is being withdrawn.

DRAFTING INFORMATION

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

WITHDRAWAL OF THE PROPOSAL

Accordingly, pursuant to the authority delegated to me by the Administrator, Airspace Docket No. 77-SW-46, notice of proposed rulemaking (42 FR 55479), is hereby withdrawn.

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

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

Issued in Fort Worth, Tex., on November 25, 1977.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc. 77-34981 Filed 12-7-77; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-GL-30]

HENRY COUNTY AIRPORT

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Napoleon, Ohio, to accommodate a new (VOR) instrument approach procedure into the Henry County Airport. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions.

DATE: Comments must be received on or before January 26, 1978.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 77-GL-30, 2300 East Devon Avenue, Des Plaines, Ill. 60018. A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The circumstance which created this action was a request from the Henry County Airport officials to provide that facility with instrument approach capability. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 77-GL-30, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018. All communications received on or before January 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 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 establish a 700 foot controlled airspace transition area near Napoleon, Ohio. Subpart G of Part 71 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 440).

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and

Joseph T. Brennan, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (42 FR 440), the following transition area is added:

NAPOLEON, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Henry County Airport (latitude 41°22'27" N, longitude 84°04'05" W) excluding that portion within the Toledo, Ohio transition area.

(This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.81 of the Federal Aviation Regulations (14 C.F.R. 11.61).)

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

Issued in Des Plaines, Ill., on November 23, 1977.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc. 77-34837 Filed 12-7-77; 8:45 am]

[4910-13]

[14 CFR Parts 71 and 75]

[Airspace Docket No. 77-NE-15]

NORTHEASTERN UNITED STATES

Proposed Alteration of Federal Airways and Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter VOR federal airways identified as V-130 and V-451 and to alter a jet route and an area high route identified as J-79 and J-833R in the northeastern United States. A review of the route structures in the northeastern United States indicated a need for several changes in the route structures to reflect the present day traffic flow. These proposed actions would provide for more efficient use of the navigable airspace.

DATES: Comments must be received on or before January 6, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA New England Region, Attention: Chief, Air Traffic Division, Docket No. 77-NE-15, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803.

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. Richard Huff, 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 rule making 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, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received on or before January 6, 1978 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rule making (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 amendments to Subpart C of Part 71 and Subpart B and D of Part 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to alter two federal airways, one jet route and one area high route identified as V-130, V-451, J-79 and J-833R in the northeastern United States. The proposed actions would: (1) Realign V-130 from over Norwich, Conn., VOR via the INT of Norwich 120°T/134°M and Martha's Vineyard, Mass., 273°T/287°M radials; to Martha's Vineyard. This action would provide a charted bypass route for the Providence, R.I., Terminal Area for east/west cape traffic; (2) Realign and extend V-451 from over Whitman, Mass., to Brunswick, Maine, via INT of Whitman 041°T/058°M and Kennebunk, Maine, 181°T/197°M radials; INT Kennebunk 181°T/197°M and Brunswick 211°T/229°M radials; Brunswick. This

action would provide a bypass route for the Portland, Maine, Terminal Area and provide a shorter routing for those aircraft destined for Logan International Airport from points north of Brunswick, Maine; (3) Extend J-79 from over Kennedy, N.Y., to Bangor, Maine, via INT of Kennedy 080°T/091°M and Nantucket, Mass., 255°T/270°M radials; INT Nantucket 255°T/270°M and Hyannis, Mass., 205°T/220°M radials; Hyannis; INT Hyannis 003°T/018°M and Bangor 206°T/225°M radials; Bangor. This action would provide the North Atlantic departures with unrestricted climbs and parallel Kennedy arrivals from European airports; (4) Realign J-833R between the PATTY and Bangor waypoints via the NEONS waypoint (ENE 159°/36 Lat. 42°57'13"N., Long. 70°07'25"W.). LOAMS waypoint (PUT 147°/72 Lat. 41°07'37"N., Long. 70°41'20"W.). This action would provide the North Atlantic departures with unrestricted climbs and parallel Kennedy arrivals from European airports.

ICAO CONSIDERATIONS

As part of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the

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

DRAFTING INFORMATION

The principal authors of this document are Mr. Richard Huff, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 and § 75.100 and § 75.400 of Part 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as republished (42 FR 307, 707 and 722) as follows:

1. In V-130 between Norwich, Conn., and Martha's Vineyard, Mass.; "INT Norwich 120° and Martha's Vineyard 273° radials;" would be added.

2. In V-451 "Boston, Mass." would be deleted and "INT Whitman 041° and Kennebunk 181° radials; INT Kennebunk 181° and Brunswick, Maine 211° radials; Brunswick," would be substituted therefor.

3. In J-79 "to Kennedy, N.Y." would be deleted and "Kennedy, N.Y.; INT Kennedy 080° and Nantucket, Mass., 255° radials; INT Nantucket 255° and Hyannis, Mass., 205° radials; Hyannis; INT Hyannis 003° and Bangor, Maine, 206° radials; Bangor," would be substituted therefor.

4. In J-833R "GORDI 43°55'19"N. 69°29'54"W. Kennebunk, Maine" and "DOMIE 41°39'12"N. 70°57'00"W. Putnam, Conn." would be deleted and "NEONS 42°57'13"N. 70°07'25"W. Kennebunk, Maine" and "LOAMS 41°07'37"N. 70°41'20"W. Putnam, Conn." would be substituted therefor.

(Secs. 307(a), 313(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a) and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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

Issued in Washington, D.C., on November 29, 1977.

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

[FR Doc. 77-34798 Filed 12-7-77; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Parts 2, 154]

[Docket No. RM78-4]

COMPENSATION PROVISIONS FOR CURTAILMENT PLANS

Preliminary Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is instituting a proceeding to consider a proposed rule with respect to compensation provisions for curtailment plans. The Commission is under Court mandate to consider compensation plans for curtailment. By this action, the Commission is seeking comments to aid it in deciding if a comprehensive compensation provision is practicable.

EFFECTIVE DATE: November 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 202-275-4166.

SUPPLEMENTARY INFORMATION:

Notice is hereby given, pursuant to 5 U.S.C. 553 and Sections 4, 5, 7, 8, 10, 14, 15 and 16 of the Natural Gas Act (Act) (82 Stat. 822, 823, 824, 825, 828, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717g, 717i, 717m, 717n, 717o, that the Federal Energy Regulatory Commission (Commission) is considering either amending or adding a new section to either the Commission's General Policy and Interpretations (18 CFR Subchapter A, Part 2) or the Commission's rules and regulations under the Natural Gas Act (18 CFR Subchapter E). This amendment or new section would, if adopted by the Commission, prescribe a compensation scheme of general applicability for possible inclusion in natural gas pipeline curtailment plans. In view of the myriad issues related to the question of compensation provisions and their applicability in just and reasonable curtailment plans, the Commission is seeking comments from all interested parties. While the Commission will detail below specific questions which participants should address, the Commission does not wish to limit suggestions which may aid the Commission in resolving this complex problem.

The question as to the propriety of compensation provisions in curtailment plans recently developed as a key issue in curtailment proceedings. As curtailments became more severe and pipelines partially or fully curtailed their customers based on end-use curtailment plans, customers in the lower priorities began to experience the major adverse economic effects of curtailment. As a result, those customers asserted that they should not bear the full economic effect of the loss of gas supplies and perforce the replacement of that gas with another fuel. Additionally, they proposed that those customers not curtailed should share the burden. It had been the position of the Federal Power Commission (FPC) that it cannot consider compensation plans because: (1) While the Commission has transportation jurisdiction over direct sales of gas, the Commission does not have ratemaking

jurisdiction over these sales;¹ (2) any compensation plan would require payments that would be, in effect, sales for resale of gas in interstate commerce necessitating certification and the filing of tariffs with the Commission; and (3) compensation plans are improper because they must result in rates that are not cost justified and are, as such, discriminatory and in violation of Section 4(b) of the Act, 15 U.S.C. 717c(b). However, in "Mississippi Public Service Commission v. FPC," 522 F.2d 1345 (5th Cir. 1975), rehearing denied, 526 F.2d 816, cert. denied, 429 U.S. 870 (1976), the Fifth Circuit rejected the FPC's arguments and held that the Commission could consider compensation provisions. Specifically, the Court held (522 F.2d at 1356):

We, of course, intimate no view one way or the other as to whether compensation should be included. This court can, however, compel the Commission to exercise its jurisdiction by considering whether compensation is necessary to insure the justness and reasonableness under Section 4(b) of a particular curtailment plan. . . . Whatever the result on the remand, the Commission should make findings supported by an adequate record, relating to the inclusion or the failure to include compensation as a part of a curtailment plan.

While this Commission has not abandoned efforts to prevail on the point of view previously advocated by the FPC,² the mandates of the Fifth Circuit in "Mississippi Public Service Commission," supra, and "Ft. Pierce Utility Authority of City of Ft. Pierce v. FPC," 526 F.2d 993 (5th Cir. 1976), must, of course, be obeyed. Hence while not conceding its position, this Commission must begin the process of managing its consideration of proposed compensation plans.³ This necessity is reinforced by the ever-increasing frequency with which requests for compensation are now being presented in curtailment cases.

Within the limits of the Fifth Circuit's mandate, the Commission now seeks suggestions to aid it in delineating the best method to evaluate compensation provisions. Any parties advocating the implementation of compensation schemes are urged to suggest, with as much specificity as possible, what is in their view a workable model of such a compensation plan.

The Commission requests that, in any event, in preparing comments, parties address the following questions stating the reasons for answers offered together with documentation where practicable.

¹ Section 1(b) of the Act, 15 U.S.C. 717(b).

² See "Elizabethtown Gas Company v. FPC," D.C. Cir. No. 75-1767, argued June 27, 1977, decision pending.

³ The District of Columbia Circuit has specifically stated that the Commission is not required to include compensation schemes in curtailment plans. "City of Willcox, Arizona, et al. v. FPC," — F.2d —, D.C. Cir. No. 75-2123, issued June 30, 1977 (slip op. 50-52).

The use of illustrative examples would assist the Commission.

1. Is it possible to construct, for general applicability, a compensation plan which will not create undue preferences or discrimination and which will be just and reasonable within the framework of Section 4 of the Act?

2. What are the justifications for and benefits to be obtained from compensation plans; what are the known or potential adverse consequences; how best can any such offsetting considerations be weighed?

3. Specifically, (a) should residential consumers be excluded from the obligations to make payments under compensation plans, (b) should small commercial consumers be excluded, (c) are there any other excluded categories—if so, why, (d) if any or all are included, what is the end result financially as curtailment deepens, (e) should any categories be excluded from benefits under compensation plans, and (f) whether inequities will be produced by the application of compensation plans to systems serving partial requirements and/or dual utilities customers; if so, what are required?

4. What should be the base period for establishing compensation provisions: (a) Which customers would be included, (b) how far back in time should the plan go, (c) what is the interrelation between compensation and growth on a particular system?

5. What should be the cost basis: (a) Price of natural gas; (b) price of substitute fuels? Should cost of conversion be included or excluded?

6. What ramifications would a compensation plan have on the operation and equity of state administration of gas supplies, rates, and curtailments?

7. Is compensation consistent with the purposes of end-use curtailment?

These are some of the issues the Commission wishes the participants to consider. We welcome and encourage all relevant comments from all interested parties. To that purpose, the Commission hereby orders that all jurisdictional pipeline companies insure that their customers receive copies of this notice. Moreover, the Commission requests that those non-jurisdictional companies, e.g., privately-owned distribution companies, co-ops and municipalities served by jurisdictional pipelines, relay this information to end-use consumers so that they may also be aware of and encouraged to participate in this process.

Any interested person including the Commission Staff may submit to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, not later than December 30, 1977, data, views, and comments or suggestions in writing concerning the aforementioned matters. The Secretary of the Commission shall have prepared an official service list. Reply comments

should be filed by January 19, 1978 and served upon all parties on the official service list. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street NE., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submissions to the Commission should indicate the name, title, and mailing address of the person to whom correspondence with regard to the proposal should be addressed.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35076 Filed 12-7-77; 8:45 am]

[1410-01]

COPYRIGHT ROYALTY TRIBUNAL

[37 CFR Chapter III]

ACCESS TO PHONORECORD PLAYERS

Advance Notice of Proposed Rulemaking

AGENCY: Copyright Royalty Tribunal.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This advance notice of rulemaking is issued to inform the public that the Copyright Royalty Tribunal (CRT) is considering adoption of regulations designed to implement section 116(c)(5) of the Act for General Revision of the Copyright Law. This section directs the CRT to promulgate regulations under which persons who may reasonably be expected to have claims resulting from public performance of nondramatic musical works by coin-operated phonorecord players may, during the year in which performances take place, without expense to or harassment of operators or proprietors of establishments in which phonorecord players are located have such access to such establishments and to the phonorecord players as may be necessary to determine the proportion of contribution of the musical works of such person to the earnings of the phonorecord players for which fees have been deposited.

DATES: Initial comments concerning the content of the proposed regulations should be received on or before January 20, 1978. Reply comments on or before February 10, 1978. A proposed regulation will thereafter be published and a public hearing scheduled.

ADDRESS: Interested persons should submit 10 copies of their comments to Chairman, Copyright Royalty Tribunal; 4th Floor, 1111 20th Street, NW., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT:

Thomas C. Brennan, Chairman; Copyright Royalty Tribunal. Telephone 202-653-5175.

SUPPLEMENTARY INFORMATION: Section 116(b)(1)(A) of the Act for General Revision of the Copyright Law directs the Copyright Office, in consultation with the CRT, to prescribe by regulation requirements governing applications for the compulsory license of non-dramatic musical works by operators of coin-operated phonorecord players. Comments submitted pursuant to this advance notice should consider the relationship between those regulations and the regulations to implement section 116(c)(5).

COPYRIGHT ROYALTY
TRIBUNAL,
THOMAS C. BRENNAN,
Chairman.

[FR Doc. 77-35115 Filed 12-7-77; 8:45 am]

[1410-01]

[37 CFR Chapter III]

USE OF CERTAIN COPYRIGHTED WORKS BY NONCOMMERCIAL BROADCASTING

Proposed Rulemaking and Rulemaking

AGENCY: Copyright Royalty Tribunal.

ACTION: Proposed Rulemaking and Rulemaking.

SUMMARY: The purpose of this notice is to inform the public that the Copyright Royalty Tribunal (CRT), pursuant to section 118(b) of the Act for General Revision of the Copyright Law, is commencing proceedings for the purpose of determining reasonable terms and rates of royalty payments with respect to the use of certain copyrighted works in connection with noncommercial broadcasting. The CRT is also, pursuant to section 118(b)(3) of the Copyright Act, giving notice that it is proceeding to the consideration of regulations whereby the copyright owners of works used under the provisions of section 118 may receive reasonable notice of the use of their works and whereby records of such use shall be kept by public broadcasting entities. This notice announces and invites participation in a public hearing intended to elicit comment, views and information to assist the CRT in formulating a schedule of rates of royalty payments and appropriate regulations.

DATES: The hearing will be held on January 30 and 31, 1978 commencing at 10:00 a.m. Members of the public desiring to testify should inform the CRT of such intention prior to January 10. All witnesses are requested to provide 10 copies of a written statement of their testimony not later than January 26.

ADDRESS: The hearing will be held in Room 500, 2000 L Street NW. Requests

to present testimony and written statements should be addressed to: Chairman, Copyright Royalty Tribunal; 4th Floor, 1111 20th Street, NW., Washington, D.C. 20036. Telephone 202-653-5175.

FOR FURTHER INFORMATION CONTACT:

Thomas C. Brennan, Chairman, Copyright Royalty Tribunal. Telephone 202-653-5175.

COPYRIGHT ROYALTY
TRIBUNAL,
THOMAS C. BRENNAN,
Chairman.

[FR Doc. 77-35116 Filed 12-7-77; 8:45 am]

[6560-01]

**ENVIRONMENTAL PROTECTION
AGENCY**

[40 CFR Part 52]

[FRL 827-61]

**PREVENTION OF SIGNIFICANT
DETERIORATION**

**Proposed Rulemaking; Modification and
Supplementary Information**

AGENCY: Environmental Protection Agency.

ACTION: Supplement to notices of proposed rulemaking and notice of public hearings.

SUMMARY: EPA published certain proposals under the Clean Air Act on November 3, 1977. The proposals relate to the "prevention of significant deterioration" (PSD) sections of the Act, which contain a scheme for protecting air which is cleaner than minimum national standards. Public comments are due on the proposals by January 3, 1978. EPA is today (1) clarifying the effective dates of its proposed requirements for certain types of pollution sources; (2) soliciting public comments on two additional issues; (3) notifying the public of new technical amendments to the Clean Air Act which may bear upon the proposals; and (4) notifying the public of three informal public hearings on the proposals.

DATES: Written public comments must be submitted by January 3, 1978. The three public hearings will all be held at 9:30 a.m. on January 9, 1978.

ADDRESSES: Written public comments should be submitted to Darryl D. Tyler at the address listed in the "Further Information" section below. The three public hearings will be held at the following locations:

- (1) EPA Headquarters, Room 2117, 401 M Street SW., Washington, D.C.
- (2) Ramada Inn, O'Hare International Airport, Chicago, Ill.
- (3) Post Office Building, Room 269, 1823 Stout Street, Denver, Colo.

FOR FURTHER INFORMATION CONTACT:

Darryl D. Tyler, Chief, EPA Standards Implementation Branch (MD-15), Research Triangle Park, N.C. 27711, Phone 919-541-5425.

SUPPLEMENTARY INFORMATION: On November 3, 1977, EPA published proposed rules under the PSD sections of the Clean Air Act. These proposals were published at 42 FR 57471 and 57479. A related final rule was published the same date at 42 FR 57459. Written public comments are being accepted on these actions until January 3, 1978, and public hearings will be held on January 9, 1978. Certain matters should be brought to the attention of all interested persons.

1. *Clarification of Effective Dates for Sources Not Subject to EPA's Current PSD Regulation.* On November 3, EPA stated that a source would be subject to the new PSD rules immediately upon promulgation unless the source both (a) obtains a final PSD permit before March 1, 1978, and (b) commences construction before December 1, 1978. EPA's statements have created confusion for those sources not in one of the nineteen categories covered by EPA's currently effective PSD regulation (40 CFR 52.21), because such sources are not now required to obtain a PSD permit.

EPA's intent is that any source not covered by EPA's current PSD regulation would be subject to the new PSD rules beginning on March 1, 1978, unless such source both (a) obtains before March 1, 1978, all final preconstruction permits which are necessary under the applicable State implementation plan (SIP) under the Clean Air Act, and (b) commences construction before December 1, 1978. If any source is not required by a SIP to obtain a permit in order to commence construction before March 1, 1978, then such a source would be subject to the new PSD rules only if it fails to commence construction before December 1, 1978. The text of the proposed regulations is modified at the end of this notice to reflect this clarification.

2. *Solicitation of Public Comments on Two Additional Issues.* a. *Whether PSD "increments" Are To Be Protected Only Through Preconstruction Review.* New Section 161 of the Act provides that each SIP must contain "emission limitations, and such other measures as may be necessary, as determined under regulations promulgated under this part, to prevent significant deterioration * * *." New Section 163 contains numerical "increments" for sulfur dioxide and particulate matter for each "Class" (I, II, and III). Section 163 provides that SIP's must contain measures "assuring" that the increments "shall not be exceeded."

The only method for protecting the increments specified in any detail in the Act is the preconstruction¹ scheme outlined in new Section 165. Under this scheme, any major source must be reviewed prior to construction and prevented from construction if its emissions would cause a violation of an increment.

It is possible, however, for increments to be violated despite good-faith im-

plementation of the preconstruction review scheme. This is because under both EPA's original PSD regulations and the new Act, certain new and modified sources may not be subject to review. Emissions from these sources may, over time, be sufficient to cause violations. Moreover, it is possible that at the preconstruction review stage, air quality modeling techniques will indicate that a proposed source will meet the increment requirements, and a permit will accordingly be issued. Information collected after the permitted source is operating, however, could show that the increment is being violated.

EPA solicits comments on whether the language of new Sections 161 and 163 referenced above (or any other statutory language or legislative history) requires SIP's to contain measures in addition to the preconstruction requirements of new Section 165 to protect the increments. Comments are also solicited on the types of additional measures which might be required.

The following basic questions thus arise: are the increments in new Section 163 absolute statutory requirements to be protected by whatever combination of regulatory measures is necessary? An affirmative answer would mean that the increments would be treated in basically the same regulatory manner as the ambient air quality standards set under Section 109. EPA would then apparently be obligated to disapprove SIP revisions (such as emission limitation relaxations for existing sources) which would cause increment violations and to call for SIP revisions under revised Section 110(a) (2) (H) (ii) wherever substantial increment violations were found. Alternatively, are the increments to be protected only through preconstruction review? An affirmative answer would mean that an increment could legally be violated, but that no more major sources could be permitted in or near the area (unless and until the violation were corrected). This latter approach reflects EPA's policy under the PSD regulation promulgated in 1974 (40 CFR 52.21).

b. *Whether All 250-Ton Potential Sources Are "Major" Sources.* New Section 169(1) defines "major" sources for purposes of PSD. This Section first provides that 28 listed types of sources which have the potential to emit 100 or more tons per year of any air pollutant will be considered major. The Section then states that "Such term also includes any other source" with the potential to emit 250 or more tons per year of any air pollutant.

The list of 28 sources contains specific size "cutoffs" for four types of sources:

(1) Fossil-fuel fired steam electric plants of more than 250 million Btu per hour input;

(2) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(3) Fossil-fuel boilers of more than 250 million Btu per hour heat input; and

¹ Under the Act and under EPA's proposed regulations, the term "construction" is defined to include modifications.

(4) Petroleum storage and transfer facilities with a capacity exceeding 300,000 barrels.

There are no size cutoffs for the other 24 listed sources. EPA solicits comments on the relationship between (1) the sentence in Section 169(1) conferring major source status on "any other source" of 250-ton potential and (2) the specific size cutoffs for the four types of sources listed above. For instance, if a fossil-fuel boiler has less than 250 million Btu per hour heat input but the potential to emit more than 250 tons of a pollutant per year, is it a major source?

3. *Notification of Technical Amendments to 1977 Amendments.* All interested persons should be aware of the fact that the President signed Pub. L. 95-190 on November 16, 1977. This statute contains numerous technical amendments to the new Clean Air Act, several of which bear upon PSD. Persons making comments of a legal nature should take these technical amendments into consideration.

For the convenience of commentators, those technical amendments which appear to be related to PSD are as follows:

SELECTED CLEAN AIR ACT TECHNICAL AND CONFORMING AMENDMENTS

From Section 14(a), Pub. L. 95-190, 91 Stat. 1399-1405.

(5) In section 110 redesignate subsections (g), (h), and (i) (as added by section 108(g) of the Clean Air Act Amendments of 1977) as (h), (i), and (j), respectively;

(6) In section 110(j), as redesignated by paragraph (5) of this subsection, strike out "at such source will enable it" and substitute "will enable such source";

(40) In section 162(a)(4) insert a comma after "size";

(41) In section 163(a) strike out "165(d)(2)(C)(iv)" and insert in lieu thereof "section 165(d)(2)(C)(iv)";

(42) In section 164(b)(2) insert "or is inconsistent with the requirements of section 162(a) or of subsection (a) of this section" after "this section";

(43) In section 164(e), insert "an" after "If any State affected by the redesignation of";

(44) In section 165(a)(1) strike out the colon at the end thereof and insert in lieu thereof a semicolon;

(45) In section 165(a)(3) insert ", as required pursuant to section 110(j)," after "demonstrates";

(46) In section 165(b) insert "cause or" before "contribute"; and strike out "actual" before "allowable";

(47) In section 165(d)(2)(C)(ii) strike out "contribute" and insert in lieu thereof "contribute";

(48) In section 165(d)(2)(C)(iii) strike out "quality related" and substitute "quality-related" and strike out the comma after "concentrations";

(49) In section 165(d)(2)(C)(iv) strike out "such sources" and substitute "such facility"; strike out "together with all other sources,"; and insert "cause or contribute to concentrations of such pollutant which" before "exceed";

(50) In section 165(d)(2)(D)(iii) strike out everything after "as may be necessary to assure that" down through the colon and insert in lieu thereof the following: "emissions of sulfur oxides from such facility will not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations which exceed the following maximum allowable increases for such areas over the baseline concentration for such pollutant and to assure that such emissions will not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less or more than 18 days during any annual period";

(51) In section 165(d)(2)(D) add the following new clause:

"(iv) For purposes of clause (iii), the term 'high terrain area' means with respect to any facility, any area having an elevation of 900 feet or more above the base of the stack of such facility, and the term 'low terrain area' means any area other than a high terrain area";

(52) In the second sentence of section 168 (b) strike out "in accordance with this definition" and insert in lieu thereof "(in accordance with the definition of 'commenced' in section 169(2))";

(53) Immediately after section 168, strike out subpart 2 of part C of title I of such Act and insert such subpart after section 169;

(54) In section 169(2) add the following new subparagraph (C) at the end thereof:

"(C) The term 'construction' when used in connection with any source or facility, includes the modification (as defined in section 111(a)) of any source or facility";

(77) In section 304(a)(3) insert "or modified" after "new";

4. Notification of Public Hearings.

EPA announced on November 3 that it would hold informal public hearings on its PSD proposals, and that the number and locations of the hearings would depend upon the number of requests received and the resources available to the Agency. Persons desiring to appear at a hearing were asked to file written statements no later than November 24. Although only 24 requests were filed, EPA has determined that it will still hold three public hearings as follows:

(1) Washington, D.C., EPA Headquarters, Room 2117, 401 M Street, SW., Monday, January 9, 1978, 9:30 a.m.

(2) Chicago, Ill., Ramada Inn, O'Hare International Airport, Monday, January 9, 1978, 9:30 a.m.

(3) Denver, Colo., Post Office Building, Room 260, 1823 Stout Street, Monday, January 9, 1978, 9:30 a.m.

The hearings will be of the informal, "legislative" type and will be open to the general public. Each speaker will present comments orally to EPA personnel (a presiding officer and other members of the hearing panel, for the record. While members of the hearing panel may ask questions in order to seek clarification or amplification of a speaker's comments, there will be no sworn testimony or cross-examination. The presiding officer may at his or her discretion limit irrelevant or repetitious oral presentations, and may set time limits for each presentation.

A verbatim transcript will be made of the proceedings. Speakers are neverthe-

less encouraged to bring extra copies of their presentations for the convenience of the hearing reporter, the press, the hearing panel, and other participants. Speakers will be permitted to enter into the record any additional written comments they do not present orally.

As noted in the November 3 proposals, there will be a single national record of all written comments and oral statements. Therefore, persons filing written comments should not enter the same comments into the record at a hearing. It should be stressed again, moreover, that comments filed in writing will be given equal weight to statements made at the public hearings.

EPA will contact each person who filed requests for a hearing to determine which hearing such person prefers to attend and will provide scheduling information to such person. Persons who did not file requests for a hearing may still have the opportunity to speak (time permitting) by registering with the hearing officer in any of the three cities immediately prior to the hearing.

(Secs. 110, 160-169, 301(a), Clean Air Act as amended (42 U.S.C. 7410, 7470-7479, 7601 (a)).)

Dated: December 5, 1977.

BARBARA BLUM,
Acting Administrator.

Proposed 40 CFR 52.21(e)(1), as printed at 42 FR 57485 (November 3, 1977) is modified to read as follows:

§ 52.21 Prevention of significant deterioration of air quality.

(e) *Review of new major stationary sources and major modifications—(1) Applicability.* The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply as follows:

(i) For sources in one of the nineteen categories identified in 40 CFR 52.21(d)(1) as in effect before March 1, 1978, to any major new source or major modification for which construction has commenced on or after March 1, 1978, unless the owner or operator both—

(a) obtains a final permit under 40 CFR 52.21 before March 1, 1978, and

(b) commences construction before December 1, 1978; and

(ii) For sources not referenced in subdivision (i) immediately above, to any major new source or major modification for which construction has commenced on or after March 1, 1978, unless the owner or operator both—

(a) obtains before March 1, 1978 all final preconstruction permits which are necessary under an applicable implementation plan, and

(b) commences construction before December 1, 1978.

[FR Doc. 77-35126 Filed 12-7-77; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6820-27]

OFFICE OF THE FEDERAL REGISTER AND THE DEPARTMENT OF HEALTH, EDUCATION, AND WEL- FARE

ANNOUNCE A CONFERENCE ON REGULATIONS IN "PLAIN" ENGLISH?

President Carter in a Proposed Executive Order (42 FR 59739, Nov. 18, 1977) set forth a plan which is intended to "improve the quality of present and future regulations." A Conference is being held to examine the experiences of some who have had success in writing documents in plain English. The keynote speaker, Wayne Granquist, Associate Director for Management and Regulatory Policy, OMB, will talk about the administration's plans to improve Government regulations. He will be joined by four other experts in the fields of management, linguistics, document design, and law, who will share their experiences in the development of readable documents. The Conference will be of interest to persons who manage regulatory improvement programs, who review regulations, or who draft regulations.

The Conference will be held at the Diplomat Room, Shoreham Americana, 2500 Calvert Street NW., Washington, D.C., from 9 to 12:30 on Wednesday, December 14, 1977. It is open to all interested persons and the registration fee is \$5. For information contact the Special Projects Unit at the Office of the Federal Register, 202-523-4534.

FRED J. EMERY,
Director of the
Federal Register.

[FR Doc. 77-35315 Filed 12-7-77; 10:05 am]

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation Number A533]

NEW YORK

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following

New York Counties as a result of drought, excessive rainfall, heavy snow, freezing and/or frost, and extremely cold weather during the period April 1 through October 25, 1977:

Essex, Fulton, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Ontario, Oswego, and St. Lawrence.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR Part 1904, Subpart C, Exhibit D, Paragraph V B, including the recommendation of Governor Hugh L. Carey that such designation be made.

Applications for emergency loans must be received by this Department no later than May 18, 1978, for physical losses and November 22, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 30th day of November 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 77-35060 Filed 12-7-77; 8:45 am]

[3410-07]

[Designation Number A535]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Texas counties as a result of drought ranging between April 15 to October 19, 1977 (Hamilton County also reported excessive rainfall April 1 through 30, 1977):

Bell; Coryell; Dimmit; Freestone; Hamilton; Milam; and Tarrant.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions

of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR Part 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than May 23, 1978, for physical losses and November 25, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 30th day of November 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 77-35061 Filed 12-7-77; 8:45 am]

[3410-11]

Forest Service

ADDENDUM TO FINAL ENVIRONMENTAL STATEMENT FOR TIMBER MANAGEMENT PLAN REVISION RIO GRANDE NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared an addendum to the Final Environmental Statement for Timber Management Plan Revision for the Rio Grande National Forest. The Forest Service report number is USDA-FS-R2-FES(Adm) FY-75-02.

The addendum reflects the results of a complete review of the procedures used in determining the potential yield for the Rio Grande National Forest.

The draft environmental statement was transmitted to CEQ on December 4, 1974.

The final environmental statement was transmitted to CEQ on June 2, 1975.

This addendum was transmitted to CEQ on November 28, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, room 3230, 12th St. and Independence Avenue SW., Washington, D.C. 20250.

USDA, Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colo.

USDA, Forest Service, Rio Grande National Forest, P.O. Box 21, Monte Vista, Colo. 81144.

A limited number of single copies are available upon request to Craig W. Rupp, Regional Forester, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colo. 80225.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

S. H. HANKS,
Deputy Regional
Forester, Resources.

NOVEMBER 28, 1977.

[FR Doc. 77-35045 Filed 12-7-77; 8:45 am]

[3410-11]

Forest Service

LAND MANAGEMENT PLAN EAST SHORE FLATHEAD LAKE PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the land management plan, East Shore Flathead Lake planning unit, USDA-FS-R1(10)-DES-Adm 78-2.

The environmental statement concerns a proposed management plan for 16,400 acres of National Forest land within the Flathead National Forest located in Lake County, Mont.

This plan recommends that the unit be managed as follows: 5,560 acres (34 percent of the planning unit) for maximum timber production, 4,500 acres (27 percent) for low intensity timber management in order to retain the visual quality, 3,260 acres (20 percent) for low intensity timber management using roadless methods in order to protect the water resources and retain the visual quality, 810 acres (5 percent) for low intensity timber management, visual quality, and white-tailed deer habitat, 2,180 acres (13 percent) for elk and deer winter range and dispersed recreation, and 90 acres (1 percent) for intensity recreation.

This draft environmental statement was transmitted to CEQ on November 30, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20013.

USDA, Forest Service, Northern Region, Federal Building, Missoula, Mont. 59801.

USDA, Forest Service, Flathead National Forest, 290 North Main Street, Kalispell, Mont. 59901.

USDA, Forest Service, Swan Lake Ranger District, Bigfork, Mont. 59911.

A limited number of single copies are available upon request to:

Forest Supervisor, Flathead National Forest, P.O. Box 147, Kalispell, Mont. 59901.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to: Forest Supervisor, Flathead National Forest, P.O. Box 147, Kalispell, Mont. 59901.

Comments must be received by January 30, 1978, in order to be considered in the preparation of the final environmental statement.

JAMES E. REID,
Acting Regional Forester,
Northern Region, Forest Service.

NOVEMBER 30, 1977.

[FR Doc. 77-35118 Filed 12-7-77; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 31337; Order 77-12-11]

CONDOR AVIATION SERVICES LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of December 1977.

By application filed September 2, 1977, Condor Aviation Services Ltd. (Condor) requests a foreign air carrier permit to engage in charter foreign air transportation of persons and their accompanying baggage, and plane load charter foreign air transportation of property, between any point or points in Canada and the United States, using "small aircraft" pursuant to the

"A copy of the application has been transmitted to the President of the United States in accordance with the requirements of section 801 of the Act.

"Small aircraft" are defined by the Nonscheduled Air Service Agreement as aircraft which are not "large aircraft." "Large aircraft" are defined as aircraft having both (a) a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds, and (b) a maximum authorized takeoff weight on wheels greater than 35,000 pounds.

Nonscheduled Air Service Agreement executed on May 8, 1974, by the Governments of the United States and Canada.

FITNESS OF THE APPLICANT FOR A FOREIGN AIR CARRIER PERMIT

Condor was incorporated under the Corporations Act of the Province of Ontario on September 29, 1965.* The Air Transport Committee has issued Condor license No. A.T.C. 564/76 (CF), dated November 29, 1976, a class 9-4 license which authorizes the holder to operate international charter commercial air services from a base at Hamilton, Ontario. The licensee is restricted in its operations to the use of Groups A and B aircraft.* The Canadian Department of Transport, Civil Aviation Branch, has issued Condor Operating Certificate No. 2483 which certifies that the carrier is adequately equipped and able to conduct a safe operation.

The applicant's balance sheet as of December 31, 1975, shows total assets of \$510,832 of which \$105,382 is shown as current assets. On the liabilities side, the company shows current liabilities of \$307,263 and total liabilities of \$522,903 resulting in a deficiency in assets of \$12,071. The company's income statement shows a net profit of \$8,560 for the year ended December 31, 1975. Although the company's financial condition appears questionable, particularly in view of the weak current ratio, we note that the company has substantial financial support from its shareholders. We note that the carrier's largest liability item of \$175,533 is labeled "loans from shareholders." Furthermore, the auditor's report accompanying the financial statement indicates that the company plans to reorganize and "has arranged further financing through certain shareholders." Moreover, the applicant states that at no time since its inception has it been unable to meet current financial obligations nor has it defaulted on any commitment to provide transportation.

The carrier lists the following aircraft as available for charters to the United States:

*The company was originally incorporated under the name Green & de Montfort Aviation (Hamilton) Ltd. On April 27, 1968, the name was changed to C.L.V. Green Aviation (Hamilton) Ltd. On October 20, 1969, the name was changed to Condor Aviation Services Ltd.

*Under Canadian Air Transport Committee regulations, Group A consists of aircraft with a maximum authorized takeoff weight on wheels not greater than 4,300 pounds; Group B consists of aircraft with a maximum authorized takeoff weight on wheels over 4,300 pounds but not greater than 7,000 pounds.

Type of aircraft	Number owned or leased	Passenger seating capacity	Maximum authorized take off weight (pounds)
Cessna 421	1	8	7,450
Cessna 340	1	8	5,990
Cessna 310	1	5	5,550
Cessna 206	1	5	3,600

Within the last 5 years the applicant has not had any safety or tariff violations or any accidents.

"PUBLIC INTEREST" IN AWARD OF THE AUTHORITY SOUGHT

The applicant relies on the Non-scheduled Air Service Agreement signed by the Governments of Canada and the United States of America on May 8, 1974, as the basis for the grant of the requested authority. By diplomatic note No. 426, dated September 8, 1977,* the Government of Canada designated the applicant under the Agreement to perform charter services with small aircraft.

OWNERSHIP AND CONTROL OF THE APPLICANT

The officers of the corporation are Dennis J. Bradley, president; Warren Labrie, treasurer and vice president, finance; V. M. Seabrook, secretary; and Sylvan Hall, vice president and general manager. All officers of the company are Canadian citizens. The shareholders are Sylvan Hall, also an officer of the company, who holds 749 common shares and 9,000 preference shares, and F. G. Bradley Co. Ltd. which holds 6,741 common shares and 81,000 preference shares. F. G. Bradley Co. Ltd. is a Canadian company incorporated under the laws of Ontario and beneficially owned by Canadian citizens.

The application states that neither the applicant nor any of its officers or shareholders own, either directly or indirectly, any shares of common stock or other interest in any U.S. carrier, any other Canadian carrier or other foreign carrier, or in any person whose principal business is the holding of stock in, or control of any such entities.

In view of the foregoing and all the facts of record, the Board tentatively finds and concludes:

1. That Condor Aviation Services Ltd. is substantially owned and effectively controlled by nationals of Canada;

2. That it is in the public interest to issue a foreign air carrier permit for small aircraft operations to Condor Aviation Services Ltd. authorizing it to engage in charter foreign air transportation with small aircraft of persons and their accompanied baggage and

planeload charters of property between any point or points in Canada and the United States;

3. That the public interest requires that the exercise of the privileges granted by said permit shall be subject to the terms, conditions, and limitations contained in the specimen form of permit attached to this order, and to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board;

4. That Condor Aviation Services Ltd. is fit, willing, and able properly to perform the above-described foreign air transportation and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder;

5. That except to the extent granted here, the application of Condor Aviation Services Ltd. in Docket 31337 should be denied; and

6. That an evidentiary hearing is not required in the public interest.*

Accordingly, it is ordered, That:

1. All interested persons be directed to show cause why the Board should not make final the tentative findings and conclusions set forth here, and why a foreign air carrier permit in the form of the specimen permit attached to this order should not, subject to the approval of the President pursuant to section 801 of the Act, be issued to Condor Aviation Services Ltd.;

2. Any interested person having objection to the issuance of an order making final the tentative findings and conclusions here and issuing said permit shall, within 21 days after the adoption of this order, file with the Board and serve upon the persons named in paragraph 5, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to, together with a summary of testimony, statistical data and such evidence expected to be relied upon in support of the statement of objections. If an evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; *Provided*, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions here if it is determined that there are no factual issues present

*We also tentatively find that our proposed action will not constitute a "major regulatory action" under the Energy Policy and Conservation Act as defined in § 313.4(a)(1) of the Board's regulations.

that warrant the holding of an evidentiary hearing;†

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

5. This order shall be served upon Condor Aviation Services Ltd. and the Ambassador of Canada in Washington, D.C.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,*
Secretary.

[FR Doc. 77-35012 Filed 12-7-77; 8:45 am]

[6320-01]

IDocket No. 30777, Agreement CAB 26982
R-1 through R-3; Order 77-11-841

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Issued under delegated authority November 18, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 2 (Europe/Africa/Middle East) of the International Air Transport Association (IATA). The agreement adopted by mail vote, has been assigned the above CAB agreement number.

The agreement would specify first class, economy class and creative fares between Mogadishu and the Seychelles. We will approve those portions of the agreement dealing with normal first class and economy fares which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act. Jurisdiction will be disclaimed on the creative fare which is not similarly combinable and thus has no application in air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in the agreement as indicated and which have indirect application in air transportation

†Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

*All Members concurred; specimen permit filed as part of the original document.

*See Docket 26473.

as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement IATA CAB No.	Title	Application
26982:		
R-1	052 TC2 First-Class Fares (amending).....	2.
R-2	062 TC2 Economy-Class Fares (amending).....	2.

2. It is not found that the following resolution, incorporated in the agreement as indicated, affects air transportation within the meaning of the Act:

Agreement IATA CAB No.	Title	Application
26982:		
R-3	072b TC2 Creative Fares Except Europe (amending).....	2.

Accordingly, it is ordered, That:

1. Those portions of Agreement CAB 26982 described in finding paragraph 1 above and which have indirect application in air transportation as defined by the Act are approved; and

2. Jurisdiction is disclaimed with respect to that portion of Agreement CAB 26982 described in finding paragraph 2 above.

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

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

This order will be published in the FEDERAL REGISTER.

CRAIG LINDSAY,
Acting Secretary.

[FR Doc. 77-35013 Filed 12-7-77; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Domestic and International Business
Administration

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on January 11, 1978 at 1:30 p.m. in Room 3817, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: December 2, 1977.

ARTHUR GAREL,
Director,
Office of Textiles.

[FR Doc. 77-35151 Filed 12-7-77; 8:45 am]

[3510-03]

Maritime Administration

OPERATION OF TANKER VESSEL "STUYVESANT" IN DOMESTIC TRADE

Request for Written Views and Comments

On November 22, 1977, the Honorable Charles R. Richey issued a Memorandum Opinion and Order in the consolidated cases captioned *Shell Oil Company v. Kreps, et al.* (CA No. 77-1645) and *Alaska Bulk Carriers, Inc. and Trinidad Corporation v. Kreps, et al.* (CA No. 77-1847).

The cases involved the tanker vessel *Stuyvesant*, owned by Polk Tanker Corp. and built by Seatrain Shipbuilding Corp. Both companies are wholly-owned subsidiaries of Seatrain Lines, Inc. and both were permitted to inter-

vene as parties defendant. The actions complained of involved: a total and permanent repayment of construction-differential subsidy (CDS) used to build the vessel; dissolution of the prohibition against the vessel built with CDS from permanently engaging in domestic trade; and repayment of the CDS by means of a 20-year promissory note.

The Court, among other things, concluded "that the Secretary (of Commerce) has the legal authority both to remove permanently domestic trading restrictions from a CDS vessel in exchange for CDS repayment and to accept a 20-year promissory note as repayment."

However, the Court concluded that the procedures followed in exercising this authority to remove permanently domestic trading restrictions and to accept a 20-year promissory note as repayment were "arbitrary, capricious, and an abuse of discretion in violation of 5 U.S.C. 706(2)(A)" in that the Secretary of Commerce "failed to give full proper consideration to relevant factors prior to rendering her decisions." The Court defined the relevant factor in these words:

(1) The effect upon competition of permitting the *Stuyvesant* to engage in the Alaskan oil trade, and (2) the effect upon competition of permitting Polk to repay the *Stuyvesant's* CDS with a 20-year promissory note rather than requiring immediate payment in full and/or requiring payment of an interest assessment for the period since the CDS had been paid to Seatrain Shipbuilding.

The Court remanded the case to the Secretary of Commerce to permit consideration of the protests of plaintiffs and other interested parties and to give appropriate weight to said competitive effects in the ultimate decision with respect to the *Stuyvesant*. Such further consideration was ordered to be completed within 45 days from November 22, 1977.

Plaintiffs in the subject litigation and all other interested parties are invited to submit written views and comments on the two numbered factors identified by the Court and quoted above. The comments must be received not later than 5 p.m., Monday, December 19, 1977. The official designated to receive the comments is James S. Dawson, Jr., Secretary of the Maritime Administration/Maritime Subsidy Board, room 3099B, U.S. Department of Commerce, Washington, D.C. 20230. An original and fifteen copies should be submitted. Due to the limited time available, no incorporation by reference will be permitted in views and comments submitted; rather, each submission must be complete in and of itself. Upon receipt of any submission, one copy will be available for public inspection in the Office of the Secretary of the Maritime Administration/Maritime Subsidy Board.

The Maritime Subsidy Board and Assistant Secretary for Maritime Affairs will consider all views and comments submitted in response to this notice and, prior to the expiration of the 45-day period set by the Court, will issue a formal written determination in the form of an "A-" docket opinion.

The publication of this Notice and review of comments in response thereto are not subject to 46 CFR Part 201.

Dated: December 6, 1977.

By order of the Maritime Subsidy Board and Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 77-35297 Filed 12-7-77; 8:45 am]

[3510-25]

Office of Import Programs

IMPORTATION OF NONRUBBER FOOTWEAR

Availability of New Information Series

The Department of Commerce announces the issuance of a new statistical information series relating to the importation of nonrubber footwear. This information is being gathered and released to the public as a consequence of Presidential Proclamation 4510 of June 22, 1977, entitled: "Implementation of Orderly Marketing Agreements and the Temporary Quantitative Limitation on the Importation into the United States of Certain Footwear," as published in the FEDERAL REGISTER on June 24, 1977 (42 FR 32430 et seq.), which implements Orderly Marketing Agreements covering nonrubber footwear imports from the Republic of China (Taiwan) and the Republic of Korea.

This statistical information is part of the import monitoring system developed to help implement the Administration's import relief program for the domestic footwear industry. The monitoring system will be used to review the performance of the Republics of China and Korea under the orderly marketing agreements, to maintain surveillance of the imports from all other countries and to detect shifts in the patterns of trade by product and by value.

The data to be released are summary tables of more extensive data collected and processed by the Bureau of the Census of the Department of Commerce. The data will provide a comprehensive monthly tabulation of total imports of footwear from 15 countries, delineated by subtotals of various combinations of products according to material, gender, type, and value. Each product category by country of origin will show the country's total shipments by quantity and value within the category and the corresponding percentage, in addition to cumulative monthly totals as compared to the

previous year. Cumulative monthly data will be available for the restraint year beginning July 1977. Additional data, customarily not provided in official foreign trade statistics, will be presented, segregating total imports according to individual value brackets of under \$1.25; \$1.26-\$2.50; \$2.51-\$5; \$5.01-\$8; and over \$8.

Major product groupings under the monitoring system are: (a) Men's, youths', and boys' leather, (b) women's and misses' leather, (c)(1) men's, youths', and boys' plastic, (c)(2) women's and misses' plastic, (d) leather athletic, (e) leather work, (f) children's and infants', and (g) miscellaneous.

The 15 countries are: (1) Taiwan, (2) Korea, (3) Italy, (4) Spain, (5) Brazil, (6) France, (7) Uruguay, (8) Mexico, (9) India, (10) Poland, (11) Romania, (12) Yugoslavia, (13) Greece, (14) Japan, and (15) Hong Kong.

These statistics continue and refine the import monitoring system established for imports in May and June by the U.S. Customs Service on the basis of temporary import classifications in the tariff schedules. Users are reminded that the Customs Service continues to maintain the official quota count for imports from the Republics of China (Taiwan) and Korea under the orderly marketing agreements.

These statistical reports and summaries thereof will be available in the Commerce Department, Main Building, Room 5889, Washington, D.C. A mailing list for these reports will not be maintained. However, summaries will be sent to appropriate trade associations and publications for dissemination, and a reference copy will be available in selected Business Services Field Offices of the Department of Commerce listed below:

Atlanta, Ga. 30309, Suite 600, 1365 Peachtree Street NE.
Baltimore, Md. 21202, 415 U.S. Customhouse, Gay and Lombard Streets.
Boston, Mass. 02116, 10th Floor, 441 Stuart Street.
Buffalo, N.Y. 14202, Room 1312, Federal Building.
Charleston, W. Va. 25301, 3000 New Federal Office Building, 500 Quarrier Street.
Chicago, Ill. 60603, Room 1406, MidContinental Plaza Building, 55 East Monroe Street.
Cincinnati, Ohio 45202, 10504 Federal Office Building, 550 Main Street.
Cleveland, Ohio 44114, Room 600, 866 Euclid Avenue.
Dallas, Tex. 75242, Room 7A5, 1100 Commerce Street.
Detroit, Mich. 48226, 445 Federal Building, 231 West Lafayette.
Greensboro, N.C. 27402, 203 Federal Building, West Market Street, P.O. Box 1950.
Hartford, Conn. 06103, Room 610-B, Federal Office Building, 450 Main Street.
Houston, Tex. 77002, 2625 Federal Building, 515 Rusk Avenue.
Indianapolis, Minn. 46204, 357 U.S. Courthouse and Federal Office Building, 46 East Ohio Street.
Los Angeles, Calif. 90049, Room 800, 1177 San Vicente Boulevard.

Memphis, Tenn. 38103, Room 710, 147 Jefferson Avenue.
Miami, Fla. 33130, Room 821, City National Bank Building, 25 West Flagler Street.
Milwaukee, Wis. 53202, 605 Federal Office Building, 517 East Wisconsin Avenue.
Minneapolis, Minn. 55401, 218 Federal Building, 110 South Fourth Street.
New Orleans, La. 70130, Room 432, International Trade Mart, 2 Canal Street.
New York, N.Y. 10007, 37th Floor, Federal Office Building, 26 Federal Plaza, Foley Square.
Newark, N.J. 07102, Gateway Building (4th floor), Market Street and Pennsylvania Plaza.
Philadelphia, Pa. 19106, 9448 Federal Building, 600 Arch Street.
Portland, Ore. 97204, Room 618, 1220 Southwest Third Avenue.
Richmond, Va. 23240, 8010 Federal Building, 400 North 8th Street.
St. Louis, Mo. 63105, 120 South Central Avenue.
San Francisco, Calif. 94102, Federal Building, Box 36013, 450 Golden Gate Avenue.
San Juan, P.R. 00918, Room 659, Federal Building, Chardon Avenue.
Seattle, Wash. 98109, 706 Lake Union Building, 1700 Westlake Avenue North.

For additional information regarding the availability of particular data, interested parties should write to Ms. Virginia Mannering, Office of Import Programs, U.S. Department of Commerce, Main Commerce Building, Room 6895, Washington, D.C. 20230, or telephone 202-377-5318.

Dated: December 6, 1977.

BERNARD ASCHER,
Director, Office of Import Programs, Bureau of Resources and Trade Assistance.

[FR Doc. 77-35152 Filed 12-7-77; 8:45 am]

[3510-17]

Office of the Secretary

[Dept. Organization Order 10-21]

ASSISTANT SECRETARY FOR POLICY

Statement of Functions and Delegation of Authority

This order effective November 18, 1977 supersedes the material appearing at 42 FR 44829 of September 7, 1977.

SECTION 1. Purpose. .01 This order prescribes the authority and functions of the Assistant Secretary for Policy.

.02 This revision: describes more explicitly the functions of the Assistant Secretary for Policy (Section 4.), establishes the Office of International Policy Coordination, redesignates the Office of Policy Development and Coordination as the Office of Domestic Economic Policy Coordination, redesignates the Office of Energy and Strategic Resource Policy as the Office of Ocean, Resource and Scientific Policy Coordination (Section 5.), and assigns the functions and personnel of the Office of Regulatory Economics and Policy to the Office of Domestic Economic Policy Coordination.

Sec. 2. Administrative designation. The position of Assistant Secretary of Commerce, established by the Act of February 14, 1903 (15 U.S.C. 1504), is hereby designated as the Assistant Secretary for Policy (the "Assistant Secretary"). The Assistant Secretary is appointed by the President, by and with the advice and consent of the Senate.

Sec. 3. Delegation of authority. Pursuant to the authority vested in the Secretary of Commerce, and subject to such policies and directives as the Secretary may prescribe, the Assistant Secretary for Policy is hereby delegated the authority of the Secretary of Commerce under the Act of February 14, 1903 (15 U.S.C. 1512 et seq., 15 U.S.C. 171 et seq.) as amended, as necessary to carry out the functions of the offices under the Assistant Secretary.

Sec. 4. Functions. The Assistant Secretary shall:

(a) Advise the Secretary and the Under Secretary on policy matters, with the directions and organization of the Office of the Assistant Secretary for Policy reflecting the Secretary's policy needs and interests;

(b) Disseminate to Departmental offices and operating units information on new policy assignments, establish lead office responsibility for each issue, and assure complete and timely resolution of policy issues in keeping with the Secretary's needs and interests;

(c) Coordinate Departmental views on policy matters affecting more than one Commerce office or operating unit, including those offices in the Office of the Secretary;

(d) Provide independent assessments, as required, of the views and recommendations of Departmental offices and operating units on policy matters of major importance to the Secretary and Under Secretary;

(e) In conjunction with appropriate Secretarial officers, provide analyses of policy issues requiring immediate Secretarial attention and meeting the Secretary's Executive Branch responsibilities;

(f) In consultation with Secretarial officers, initiate and/or conduct, as appropriate, longer-term policy development and special studies in response to Secretarial concerns and priorities;

(g) Maintain a current inventory on the status of major policy issues within the Department to support the Secretary's and Under Secretary's needs; and

(h) Serve as Co-Executive Director of the Commerce Council.

Sec. 5. Office of the Assistant Secretary for Policy. The Office of the Assistant Secretary shall consist of:

(a) The Office of Domestic Economic Policy Coordination, headed by a Deputy Assistant Secretary who also

serves as principal Deputy to the Assistant Secretary;

(b) The Office of International Policy coordination, headed by a Deputy Assistant Secretary;

(c) The Office of Ocean, Resource, and Scientific Policy Coordination, headed by a Deputy Assistant Secretary; and

(d) Such other offices as the Assistant Secretary, in conjunction with the Assistant Secretary for Administration, may establish for the purpose of carrying out assigned functions and responsibilities.

Effective date: November 18, 1977.

ELSA A. PORTER,
Assistant Secretary
for Administration.

[FR Doc. 77-35148 Filed 12-7-77; 8:45 am]

[3510-17]

[Dept. Organization Order 20-1]

OFFICE OF ADMINISTRATIVE SERVICES AND PROCUREMENT

Statement of Organization and Functions

This order effective November 15, 1977 supersedes the material appearing at 41 FR 50319 of November 15, 1976 and 42 FR 11863 of March 1, 1977.

SECTION 1. Purpose. .01 This order prescribes the functions and organization of the Office of Administrative Services and Procurement.

.02 This revision reflects a change in the line of authority to designate the Deputy Director for Program Development to act for the Director in the latter's absence (sec. 2). It also places under the Deputy Director for Program Development staff level responsibilities for all functional areas (par. 5.01); deletes EEO counselor responsibilities which were transferred to the Office of Emergency Readiness (subpar. 5.01a); and incorporates the transfer of correspondence management functions from OOMS to OAS&P (subpar. 5.02d). In addition, this revision adds Departmentwide functions not covered in previous versions of this order, e.g., historic preservation, energy conservation, and traffic management (par. 3a); and reflects the transfer of machine repair and forms store operations from the Communications and Transportation Division to the Property and Buildings Management Division (subpar. 5.02c).

Sec. 2. Status and line of authority. The Office of Administrative Services and Procurement (OAS&P), a Departmental office, shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Administration. The Deputy Director for Program Development, provided for in section 5 below, shall perform the functions of the Director during the latter's absence.

Sec. 3. Functions. Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5 and subject to such policies and directives as the Assistant Secretary for Administration may prescribe, OAS&P shall:

(a) Have Departmentwide staff responsibility for procurement and supply (other than ADP equipment and services), library, space, motor vehicle management, occupational safety and health, telecommunications and mail management, historic preservation, energy conservation, traffic management, and certain aspects of records management as specified in section 5;

(b) Perform procurement for all elements of the Department, except as otherwise provided in Department Administrative Order 208-2, "Procurement Authority;" and

(c) Provide services in the functional areas, enumerated in subparagraph a. above, required by the Office of the Secretary and as relevant to elements of operating units located in the Main Commerce Building.

Sec. 4. Specified authority. In addition to the authority implicit in and essential to carrying out the functions assigned OAS&P and related to the exercise of such functions, the Director:

(a) Has been expressly delegated certain procurement authority in Department Administrative Order 208-2; and

(b) Is hereby designated Claims Officer and delegated the authority vested in the Assistant Secretary for Administration by Department Administrative Order 203-22 to settle and pay claims for damage to, or loss of personal property incident to his service, under the provisions of 31 U.S.C. 240-243, filed by an employee (or his duly authorized representative) of the Office of the Secretary.

Sec. 5. Organization. Under the direction and supervision of the Director, the functions of OAS&P shall be organized and carried out as provided below.

.01 The "Deputy Director for Program Development" shall be the Director's principal assistant for the development, coordination, and supervision of Departmentwide policies and procedures for all functional areas as assigned to OAS&P.

(a) The "Equal Opportunity and Contract Compliance Staff" shall expand and promote the Department's small business and minority business procurement programs, assure contractor compliance with equal opportunity obligations, and act as equal employment opportunity counselor for OAS&P.

(b) The "Program and Policy Division" shall be responsible for review and development of Departmental policy positions on internal and interagency programs involving all function-

al areas assigned to OAS&P. The Division shall provide knowledgeable specialists to represent the Department in interagency study groups, committees, and task groups established by OMB, GSA and other central service agencies; review and evaluate newly established or proposed Federal Procurement and/or Property Management Regulations, determine the need to develop and issue implementing Departmental policies or procedures, and evaluate their implementation. The Division shall also process procurement related actions to include: Findings and Determinations for Secretarial signature, unsolicited proposals, withdrawal of bids, ratification requests, administrative actions related to contractor's protests lodged at levels higher than the Contracting Officer, and a mistake in bids; codify procurement regulations in the FEDERAL REGISTER and Code of Federal Regulations, update and maintain the Supply Management Handbook, and establish the need for various training programs and other policy making activities as assigned. The Chief, Program and Policy Division shall perform the functions of the Deputy Director for Program Development during the latter's absence.

.02 The "Deputy Director for Operations" shall be the Director's principal assistant for operations and shall supervise the following divisions:

(a) The "Library Division" shall provide library services for the Office of the Secretary and operating units located in the Main Commerce Building, and serve as a reference source for libraries of operating units.

(b) The "Communications and Transportation Division" shall provide Departmentwide review of major changes to telecommunications systems as defined by FPMR 101-35 and shall be the focal point in the Department for obtaining GSA approvals for these changes. In addition, the Division shall provide the following services for the Office of the Secretary and elements of other operating units in the Main Commerce Building, assigned Commerce annexes, the Regional Commissions and, upon request, other outlying and independently operated buildings not regularly serviced by the Division: telecommunications services including the operation of the DOC link in the worldwide State Department's telecommunications network, mail and messenger services, travel arrangements, receiving and shipping services, motor pool services, imprest fund services and internal distribution of publications for the Department and its component agencies.

(c) The "Property and Buildings Management Division" shall serve as the principal liaison between operating units and the GSA headquarters and regional offices on all real property and space management matters, in-

cluding Federal Building Fund transactions. The Division shall also exercise personal property utilization surveillance over all operating units nationwide; and it shall operate an automated personal property system for the Office of the Secretary and other designated operating units. The Division shall be responsible for preparing the Commerce Telephone Directory; coordinating postage payments with the U.S. Postal Service; and providing office machine repairs, forms store supplies, labor services and building liaison services with GSA for all operating units in the Main Commerce Building.

(d) The "Records Management Division" shall be responsible for the development and issuance of policies, procedures, and other such instructions as necessary on (1) forms management; (2) files management; (3) records equipment and supplies management; (4) records disposition management; and (5) correspondence management. The Division shall also provide files, records disposition, forms management, and correspondence management services for the Office of the Secretary and, as approved by the Assistant Secretary for Administration, for designated operating units headquartered in the Main Commerce Building. The Division is also responsible for providing liaison with NARS on the clearance of all Records Schedules developed within the Department and with GSA Records Centers on the disposition and retrieval of retired records for those organizational units for which the Division has operational responsibilities.

.03 The "Deputy Director for Procurement" shall serve as the Director's principal assistant on procurement and shall supervise the following divisions in performing procurement for all elements of the Department except as determined under the provisions of Department Administrative Order 208-2.

(a) The "Contract Administration Division" shall administer all contracts, except as otherwise assigned, through final contract payment or other required final administrative disposition including decisions under disputes clauses, terminations, claims, and shall perform such other procurement actions, as assigned.

Additionally, it shall provide field contract administration services for OMBE.

(b) The "Materials and Services Contracts Division" shall provide contracting services for supplies, equipment, construction, communication systems, architect engineering and, other service-type procurements including delivery orders against mandatory contracts, purchase orders on the open market, and other related procurement activities, as assigned.

(c) The "Research Contracts Divi-

sion" shall provide contracting services for all research, development, advanced studies and other related procurement activities, as assigned.

(d) The "Technical Assistance Contracts Division" shall provide contracting services for all procurements providing for consulting, management and technical assistance where the recipient thereof is either the Department or a third party beneficiary, and other related procurement activities, as assigned.

SEC. 6. *Department of Commerce Administrative Services Council.* There shall be a Department of Commerce Administrative Services Council, which shall consist of the Director, OAS&P, as Chairman, the Deputy Directors, and the chief administrative services officers of the operating units of the Department. The Council will meet on a call from the Chairman for the purpose of advising and assisting in the development of policy and programs for the maximum effectiveness of administrative services throughout the Department.

Effective date: November 15, 1977.

ELSA A. PORTER,
Assistant Secretary
for Administration.

[FR Doc. 77-35150 Filed 12-7-77; 8:45 am]

[3510-17]

[Dept. Organization Order 15-7]

OFFICE OF REGIONAL AFFAIRS AND PROGRAM COORDINATION

Statement of Organization and Functions

This order effective November 18, 1977 supersedes the material appearing at 40 FR 56708 of December 4, 1975 and 41 FR 45602 of October 15, 1976.

SECTION 1. *Purpose.* .01 This order prescribes the organization and functions of the Office of Regional Affairs and Program Coordination.

.02 This revision establishes the Office of Regional Affairs and Program Coordination and transfers to it the functions, personnel, funds, property and records of the Office of Regional Affairs, the Office of Regional Economic Coordination, and the Consumer Affairs Division of the Office of the Ombudsman in DIBA.

.03 This revision formalizes functions already being performed by the offices involved, particularly the Office of Regional Affairs. It does not transfer any additional line authority to the new Office, nor does it assign the Deputy Under Secretary line authority over any Department operating units.

.04 The position title of the Deputy Under Secretary for Regional Affairs is changed to Deputy Under Secretary.

SEC. 2. *Status and line of authority.* The Office of Regional Affairs and

Program Coordination, a Departmental office, shall be headed by the Deputy Under Secretary who shall also serve as Special Assistant to the Secretary for Regional Economic Coordination. The Deputy Under Secretary shall report and be responsible to the Secretary. The Deputy Under Secretary shall be assisted by a Deputy Director who shall perform the functions of the Deputy Under Secretary in the latter's absence.

Sec. 3. Delegation of authority. .01 The authorities of the Secretary under Title V of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3181 et seq.), except for the authority to designate or to modify the boundaries of economic development regions, and the authorities of the Secretary under Section 601(a) of the Act (42 U.S.C. 3201) and Executive Order 11386, as amended, with respect to coordination and liaison with the Federal Cochairmen are hereby delegated to the Deputy Under Secretary in the capacity of Special Assistant to the Secretary for Regional Economic Coordination.

.02 The coordinating functions specified in this order shall be performed under the general direction of the Secretary and Under Secretary.

.03 The consultation functions specified in this Order shall be performed in conjunction with the responsibilities of the Assistant to the Secretary.

Sec. 4. Functions. The Deputy Under Secretary shall:

.01 Provide coordination and assistance, on behalf of the Secretary to the Federal Cochairman of the Regional Commissions and the Secretarial Representatives.

.02 Provide a central point of contact and outreach, in Washington and in the regions, for constituents of the Department.

.03 Assist the Department to be aware of, and responsive to, the needs and concerns of constituents.

.04 Involve constituents, as appropriate, in Department policy-making and program development. Insure their awareness of Department resources, policies, and programs.

.05 Convene meetings of representatives of constituents, and of Department officials, as necessary to comment on significant Department policies and programs, to resolve problems and improve coordination in areas affecting more than one major element of the Department.

.06 Assist the Under Secretary in that official's functions as a member of the Under Secretaries Group on Regional Operations pursuant to Executive Order 11982 of January 1, 1976; participate in the intergovernmental relations activities of the Department, both in Washington and in the regions, and serve as the Department's

liaison with individual governors and mayors.

.07 Assist in the coordination and development of new programs, approaches, or systems for meeting the Department's goals involving two or more operating units.

.08 Work to improve the coordinated impact of the programs of two or more operating units, both in Washington and in the field.

.09 Encourage improved coordination, cooperation and support among the various field elements of the Department and with the Regional Commissions.

.10 Chair a subcommittee of the Department's Minority Business Program Committee to monitor the field implementation of the Committee's program.

.11 Chair the Department's Field Coordination Committee composed of the Deputy Under Secretary and the officials responsible for field operations in each major element of the Department.

.12 Direct the activities of the Offices of State and Local Government Assistance and Program Coordination, such special projects and Secretarial Programs as shall be assigned to the Office of Regional Affairs and Program Coordination and, as Special Assistant for Regional Economic Coordination, the Office of Regional Economic Coordination.

Sec. 5. Office of Regional Economic Coordination. The Office of Regional Economic Coordination shall assist the Deputy Under Secretary in that official's capacity as Special Assistant to the Secretary for Regional Economic Coordination.

Specifically, the Office shall:

a. Propose or review proposals for the designation of economic development regions and the establishment of Regional Commissions, and develop recommendations to the Secretary for modifications in the geographic area of a designated region.

b. Assist the Federal Cochairmen in providing effective and continuing liaison between the Federal Government and each Regional Commission.

c. Develop for the Secretary, in cooperation with the Federal Cochairmen, guidelines for the use of funds appropriated under Title V of the Act, including standards for meeting the requirement of Section 604 of the Act for proper and efficient management of projects; and review for the Secretary's action proposed budgets and subsequent financial plans submitted by the Federal Cochairmen on behalf of the Regional Commissions.

d. Be responsible for issuance of instructions (in accordance with Section 7, subparagraph 102a. of the Department of Commerce Handbook of Accounting Principles and Standards) to establish and administer a system of fund control over funds appropriated for Regional Development Pro-

grams, as authorized by Title V of the Act. The instructions shall include provisions to assure that Federal Cochairmen, in accordance with approved financial plans, will have final authority to commit such funds for Federal grant and supplements approved by the Regional Commissions and for technical, planning assistance, and administrative grants to the Regional Commissions.

e. Assist the Secretary and the Deputy Under Secretary in communicating to the Federal Cochairmen such general policies affecting regional economic development and any other forms of program guidance and policy direction with respect to their Federal functions as the Secretary may establish.

f. Assure adequate coordination between the Regional Commissions and all Commerce organizations, such coordination encompassing planning, development, and the execution of economic development activities, including individual projects.

g. Assist the Secretary in achieving effective coordination of the activities of the Federal Government, relating to economic development regions.

h. With the Federal Cochairmen obtain a coordinated review within the Federal Government of plans (including comprehensive long-range economic development plans), programs, proposals, and recommendations submitted by the Regional Commissions; and based on such coordinated review, comment on and present such matters to the Secretary for appropriate action.

i. Provide the Executive Secretary of the Federal Advisory Council on Regional Economic Development (the "Council") established by Executive Order 11386, and provide staff support to the Council in performing its functions set forth in the Executive Order and as may be requested by the Secretary.

j. Perform or sponsor research related to objectives of Title V of the Act, coordinating such research plans with the Federal Cochairmen.

k. Develop, in collaboration with the Federal Cochairmen, proposed agreements or memoranda of understanding between the Federal Cochairmen and other Federal agencies when required for the conduct of Regional Commission programs; attempt to resolve by mutual agreement any differences in policy that may arise between a Federal Cochairman and a Federal department or agency, and, if necessary, propose action to the Secretary for resolving such questions.

l. Review proposed Regional Commission annual reports prior to transmittal to the Congress.

m. Review the effectiveness or programs of Regional Commissions in achieving statutory objectives, and submit recommendations thereon to

the individual Federal Cochairmen or, when appropriate, to the Secretary.

n. Perform such other duties as may be necessary to assist the Secretary, the Deputy Under Secretary, and the Federal Cochairmen, including the development of policies and legislative proposals relating to economic development regions.

o. Provide budgetary services to the Federal Cochairmen, and arrange for the provision of other support services by units of the Office of the Secretary, directly to the Federal Cochairmen as may be required.

Sec. 6. Office of State and Local Government Assistance. The Office of State and Local Government Assistance shall:

.01 Provide a central point of contact and assistance at the Department for State and local governments.

.02 Provide and coordinate, through the Secretarial Representatives, the Federal Cochairmen, and the Department's field structure, consultation and outreach to State and local governments, to obtain information for the Department on their needs and concerns, assure their involvement in significant Department policy-making and program development, and to keep them aware of Department resources, policies and programs.

.03 Convene meetings of appropriate representatives of State and local governments, in the field or in Washington to identify problems and to comment on policy, programs, or legislation.

.04 As appropriate, identify and convene Department officials on significant matters of concern to State and local governments which involve two or more operating units of the Department.

.05 As directed by the Secretary, coordinate the actions of two or more operating units concerning a significant problem or activity affecting State and local governments.

.06 Initiate responses or actions, in concert with the affected Department organizations, to meet State and local government needs or to implement Department policies and goals.

.07 Work closely with the Federal Cochairmen and the Secretarial Representatives.

.08 Provide assistance in the Department's implementation of OMB Circular A-85 concerning consultation with State and local governments.

Sec. 7. Office of Program Coordination. The Office of Program Coordination shall:

.01 Assist operating units in the development of program activities involving more than one unit for the purpose of meeting the Department's responsibilities and goals.

.02 As appropriate, coordinate or monitor the conduct of major Department programs involving more than one operating unit to the end that the

Department's activities are cohesive and supportive to each other.

.03 Provide necessary support to the Federal Cochairmen, the Secretarial Representatives, and the Department's field structure, in regard to their activities in the field for coordination with and support of the activities of other Federal agencies and those of State and local governments and the private sector.

.04 Provide staff support to the Commerce Field Coordination Committee, composed of the Deputy Under Secretary and the officials responsible for field operations in each major element of the Department.

.05 Provide for and coordinate the transmission of information, requests and other matters from the Office of the Deputy Under Secretary and from Department operating units to the Secretarial Representatives and the Federal Cochairmen.

Sec. 8. Special Projects and Secretarial Programs. The responsibilities of the Office of Regional Affairs and Program Coordination include the administration of certain special projects and programs as directed by the Secretary. These may include continuing programs, such as consumer affairs or work-education; special projects of limited duration; or programs in the initiation and development stage, which may later be assigned to operating units.

The consumer affairs program includes:

Gathering information and drafting replies to consumer inquiries, complaints, and requests for assistance; obtaining and analyzing consumer views; forwarding appropriate information on consumer views through the Deputy Under Secretary for consideration in Department policy and program development; advising the business community how it can be more responsive to consumer needs. The consumer program will work closely on consumer matters with all operating units.

The education and work function includes:

Activities advocating increased participation of the private sector in the improvement of the relationships between education and work; such as providing an information brokerage, coordinating Federal interagency activities, and encouraging greater allocation of resources from both management and organized labor. Emphasis is on the revitalization of urban areas; improved productivity and quality of working life; and increased opportunity in the labor market for youth, minorities, women re-entering the work force, and Vietnam veterans.

Sec. 9. Secretarial Representatives. .01 There shall be ten Secretarial Representatives, one stationed in each of the ten Standard Federal Regional cities. The Secretarial Representatives shall report through the Deputy Under Secretary to the Secretary.

.02 The Secretarial Representatives shall:

a. Serve as the personal representative of the Secretary to individuals and organizations in the Regions.

b. Foster lateral coordination among the Department's field operations where appropriate to the end that the Department's activities are cohesive and supportive of each other.

c. Assure that the activities of the Department in the field are coordinated with and supportive of the activities of other Federal agencies and those of State and local governments and the private sector.

d. Encourage the identification and analysis of the needs of State and local governments, the private sector, and other interested parties within the Region and foster the responsiveness of Department policies and programs to such needs.

e. Encourage initiatives to the end that Department field activities and programs fulfill the responsibilities and goals of the Department in responding to the needs and problems of State and local governments and the private sector.

f. Assure that Department policies and programs are clearly understood by field personnel of the Department and by State and local governments, the private sector, and other interested parties, and that all of the foregoing have the fullest opportunity to participate in the formulation of Department policies and programs.

g. Represent the Department on the Federal Regional Council, River Basin Commission, and, in coordination with the Office of Minority Business Development, minority business opportunity councils, located within their respective Regions.

h. Represent the Department on each Federal Executive Board within the Region, designating another representative of the Department as necessary for those Federal Executive Boards outside the Federal Regional city.

i. Convene and chair on a regular basis meetings of a Commerce Council composed of the highest ranking Department officials representing each Department unit in or serving the Region. Report on the activities of the Commerce Council to the Secretary through the Deputy Under Secretary.

j. Make periodic reviews of the effectiveness of the Department's programs in meeting the needs of the Regions, and report the findings and recommendations of such reviews to the Deputy Under Secretary for transmission to the Secretary.

k. Provide the Deputy Under Secretary and the Secretary with information on developments and activities in the Regions, particularly on legislative, business, and economic issues which may affect the Department's programs in the Regions.

l. Perform such other functions as the Secretary or the Deputy Under

Secretary may from time to time direct.

Sec. 10. Limitation on authority. Nothing in this order shall be construed to amend, modify, or repeal the authorities and responsibilities assigned to program officials by other Department orders.

Sec. 11. Organization structure. The principal organization structure and line of authority shall be as depicted in the attached organization chart, Exhibit 1. A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.

Savings Provision. The Assistant Secretary for Administration, in consultation with the Deputy Under Secretary, the Assistant Secretary for DIBA, and the Special Assistant for Regional Economic Coordination, shall determine the timing and amount of transfer of funds, positions, and employees, as required by this order.

Effective date: November 18, 1977.

ELSE A. PORTER,
Assistant Secretary
for Administration.

[FR Doc. 77-35149 Filed 12-7-77; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CI74-566]

AMOCO PRODUCTION CO.

Notice of Further Extension of Time

NOVEMBER 30, 1977.

On November 30, 1977, Amoco Production Co., filed a motion to further extend the time within which to comply with Ordering Paragraph (K) of the June 30, 1977, Order issuing a certificate of public convenience and necessity in the above designated docket. A previous extension of time was granted by Commission Notice issued July 25, 1977.

Upon consideration, notice is hereby given that a further extension of time is granted to and including December 30, 1977, within which Amoco shall commence deliveries of gas as required by Ordering Paragraph (K).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35080 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket Nos. ER 76-799 and ER76-800]

APPALACHIAN POWER CO.

Order Approving Settlement, Accepting Rate Schedule for Filing, Accepting Notice of Cancellation, and Terminating Proceeding

NOVEMBER 23, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC), which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On June 10, 1977, Appalachian Power Co. (APCo), filed a motion requesting Commission approval of an attached Agreement of Settlement and Compromise between APCo and its affiliate wholesale for resale customer, Kingsport Power Co. ("Kingsport"), to resolve all issues in Docket No. ER76-799.

On July 16, 1977, APCo moved the Commission to accept for filing a Modification to its FPC Rate Schedule No. 24 for service to Carolina Power & Light Co. (CP&L), and a notice of cancellation of Service Schedule A contained in Rate Schedule No. 24, and to terminate the section 206 proceeding regarding Service Schedule A ordered in Docket No. ER76-800. The Commission finds that the settlement agreement filed in Docket No. ER76-799 is in the public interest and accepts and approves it as hereinafter ordered and

conditioned. The Commission also finds that the motion filed in Docket No. ER76-800 should be granted as hereinafter ordered and conditioned.

Proceedings in these consolidated dockets were initiated on July 21, 1976, when APCo submitted for filing proposed supplements to its FPC Rate Schedule No. 23 for service to Kingsport (Docket No. ER76-799), and No. 24 for CP&L (Docket No. ER76-800), which contained increased charges for both services and revised fuel clauses purported to conform to section 35.14 of the Commission's Regulations. By order issued August 19, 1976, the Commission accepted both supplements for filing and consolidated the two dockets for purposes of litigation and decision. The Commission suspended the proposed supplement for Kingsport to become effective on September 21, 1976, and the supplement for CP&L on August 21, 1976, both subject to refund, and set the consolidated dockets for hearing. Intervention was granted to CP&L, but action was deferred on its "Motion to Reject and Dismiss and in the Alternative to Stay" filed on August 9, 1976. On September 20, 1976, the Commission issued an order accepting Notice of Intervention by the Tennessee Public Service Commission.

By order issued November 8, 1976, the Commission found, inter alia, that the 1957 Interconnection Agreement between APCo and CP&L did not provide for a unilateral rate increase filing, but only allows application for prospective rate relief following a proceeding under section 206 of the Federal Power Act. The Commission therefore reversed its August 19, 1976, order to the extent that it allowed the proposed rate increase to CP&L to become effective prior to final Commission approval of its justness and reasonableness.

An order granting applications for rehearing and stay for purposes of further consideration was issued on January 6, 1977. On February 25, 1977, the Commission issued an order denying APCo's application for rehearing and affirming the Commission's order of November 8, 1976. On March 4, 1977, APCo filed a petition for review of the two orders in the U.S. Court of Appeals for the District of Columbia Circuit with a simultaneous motion for stay. On April 21, 1977, the Court issued an order denying the motions to stay.

On February 23, Staff filed its top sheets in the consolidated dockets and on March 2, 1977 a prehearing conference was held. Settlement negotiations resulted in the filing of the motion to accept the settlement agreement in Docket No. ER76-799 on June 10, 1977, and on June 16, 1977, of the motions to accept filings and terminate Docket No. ER76-800.

Public notice of the filing of the settlement proposals in Dockets ER76-799 and ER76-800 was issued on June 28, 1977, and July 21, 1977, respectively. Staff filed comments in support of the settlement proposals on July 22, 1977, and August 1, 1977. On July 21, 1977, the Tennessee Public Service Commission filed a statement in Docket No. ER76-799 saying that it neither supports nor opposes the proposed settlement agreement, and will not oppose the requested effective date of the settlement rate if the settlement is approved by this Commission.

The proposed settlement in Docket No. ER76-799 provides for a revenue level consistent with the cost of service in Staff's top sheet and will reduce the proposed increase to Kingsport from \$5,971,000 to \$5,614,841 resulting in an earned rate of return not exceeding 9.43 percent, including a return on equity of 13.5 percent.¹ The agreement further provides for the curtailment of firm power and energy deliveries to Kingsport in the event there were to be a shortage of capacity and/or electric energy requiring APCo to curtail capacity and energy deliveries to its other firm service customers. While the language of the Supplement provision refers only to curtailments of APCo's retail customers, the agreement itself makes it clear that the language is intended to apply to curtailments of capacity and energy deliveries to both APCo's other retail and wholesale firm service customers. Kingsport has agreed to curtail its demand to the same degree as APCo upon notification of curtailments to APCo's firm service customers. Should Kingsport fail to curtail its demand as agreed, APCo is entitled to curtail deliveries without liability.

Based on our review of the record in these proceedings, including the settlement agreement itself, we conclude that the settlement agreement represents a reasonable resolution of the issues in Docket No. ER76-799, and that accordingly the settlement should be approved.

The proceeding in Docket No. ER76-800 was instituted to determine the justness and reasonableness of APCo's proposed increase in charges for firm power service to CP&L under Service Schedule A of FPC Rate Schedule No. 24. Since the proceedings began, negotiations between APCo and CP&L and the completion of CP&L's Brunswick Unit No. 1 nuclear plant have led to an agreed-upon change in CP&L's needs from firm power service to displacement energy service. Therefore,

¹ Staff's return recommendation was based on a capital structure for APCo which contained a common equity ratio of 30.62 percent.

APCo's June 16, 1977, motion requests that its notice of cancellation of Service Schedule A be accepted and the associated proceedings terminated. APCo further requests that the Commission accept for filing the provisions of Section 3 of Service Schedule A which have been incorporated into the Agreement as a modification to provide for displacement energy service. APCo requests waiver of the Commission's notice requirements so that the notice of cancellation would be effective as of 11:59 p.m. on March 31, 1977, and the modified rate schedule effective as of April 1, 1977.

A certificate of concurrence by CP&L in the termination of Service Schedule A accompanied the motion.

APCo further states in its motion that upon the Commission's acceptance of the notice of cancellation of Service Schedule A and its termination of Docket No. ER76-800, APCo would be in a position to notify the U.S. Court of Appeals for the District of Columbia that APCo seeks leave to discontinue its Petition for Review of the Commission's orders in this docket.

Finally, the motion states that on June 15, 1977, APCo refunded to CP&L with simple interest at 9 percent all of the incremental revenues collected subject to refund from the effective date of August 21, 1976, established by the Commission in this proceeding. The total amount of revenues and interest paid to CP&L was stated to be \$744,832.94. A tabulation of refunds was attached to the motion as "Exhibit A", and includes a statement that CP&L did not pay incremental amounts billed for the billing periods ended February 1977 and March 1977, and consequently no refunds were made for those periods. APCo requests that, in light of "Exhibit A", the Commission waive its requirement of a refund report.

Upon review of the record in this proceeding, including the modified agreement, we conclude that the acceptance for filing of the Modification to APCo's FPC Rate Schedule No. 24 to be effective April 1, 1977, the acceptance of the notice of cancellation of Service Schedule A to that rate schedule as of 11:59 p.m., March 31, 1977, and the termination of Docket No. ER76-800 would be in the public interest, and the motion requesting such Commission action is accordingly granted as hereinafter conditioned.²

The Commission finds: (1) The proposed settlement agreement in Docket No. ER76-799 should be approved and made effective as hereinafter ordered and conditioned.

(2) The motion to accept for filing the Modification to FPC Rate Sched-

² The designations for these filings are included herein as Attachment B.

ule No. 24, to accept the notice of cancellation of Service Schedule A of that rate schedule, and to terminate Docket No. ER76-800 should be granted, as hereinafter conditioned.

(3) Good cause exists to waive the Commission's notice requirements as to the effective dates of the filings described in paragraph (2) above.

(4) Good cause exists to waive the requirement of a refund report in Docket No. ER76-800 as hereinafter ordered and conditioned.

The Commission orders: (A) The settlement agreement filed in Docket No. ER76-799 on June 10, 1977, is hereby accepted, incorporated herein by reference and approved as conditioned below.

(B) The proposed settlement rate schedule as designated on Attachment A hereto is accepted for filing to become effective September 21, 1976.

(C) Within 30 days of the issuance of this order, APCo shall refund amounts collected in excess of the settlement rates in Docket No. ER76-799 with interest computed at 9 percent per annum.

(D) Within 15 days after refunds have been made in Docket No. ER76-799, APCo shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates; the monthly revenue refund; and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(E) The motion filed in Docket No. ER76-800 on June 16, 1977, to accept for filing APCo's notice of cancellation of Service Schedule A of FPC Rate Schedule No. 24, to accept for filing the Modification of Rate Schedule No. 24, and to terminate Docket No. ER76-800 is hereby granted as conditioned below.

(F) Waiver of the Commission's notice requirements is hereby granted pursuant to section 35.11 of the Commission's regulations to permit the notice of cancellation and modified rate schedule filed herein to become effective at 11:59 p.m. on March 31, 1977, and on April 1, 1977, respectively.

(G) Waiver of the Commission's refund report requirements in Docket No. ER76-800 is hereby granted except that within 15 days of the issuance of this order, APCo shall file with the Commission a statement that a copy of the refund report submitted as "Exhibit A" to APCo's motion has been sent to the applicable State Commissions.

(H) In light of APCo's statements regarding withdrawal of its Petition for

Review of the Commission's orders in Docket No. ER76-800 upon the granting of the relief ordered above, termination of Docket No. ER76-800 is hereby ordered to become effective upon APCo's withdrawal of its petition for review in *Appalachian Power Co. v. PERC*, D.C. Cir. No. 77-1232.

(I) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, its Staff, or any party or person affected by this order, in APCo or any person or party.

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

By the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A

RATE SCHEDULE DESIGNATION

Appalachian Power Co., Docket No. ER76-799, Customer: Kingsport Power Co. Supplement No. 2 to Rate Schedule FPC No. 23 (Supersedes Supplement No. 1 to Rate Schedule FPC No. 23).

[FR Doc. 77-35077 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. E-9609]

CONNECTICUT MUNICIPAL ELECTRIC ENERGY COOPERATIVE v. POWER AUTHORITY OF THE STATE OF NEW YORK

Extension of Time To File Answer

NOVEMBER 30, 1977.

On November 11, 1977, the Power Authority of the State of New York (PASNY), filed a motion to extend to March 1, 1978, the time for filing its answer to the complaint in this proceeding. Under sections 1.6 and 1.9 of the Commission's Rules of Practice and Procedure answers to complaints are to be filed within 30 days after the date of service of the complaint unless the Commission with or without motion shall prescribe a different time. A copy of the complaint in this proceeding was served upon PASNY on October 26, 1977.

On November 23, 1977, the Massachusetts Municipal Wholesale Electric Co. (MMWEC), filed a petition to intervene and response to PASNY's motion for an extension of time, wherein MMWEC states that it does not object to a reasonable extension of time.

Upon consideration, notice is hereby given that the date for PASNY to file an answer to the complaint is extended to and including December 11, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35081 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. E-8947]

DELMARVA POWER & LIGHT CO.

Notice of Refund Report

NOVEMBER 30, 1977.

Take notice that on November 16, 1977, Delmarva Power & Light Co., Delmarva Power & Light Co. of Maryland and Delmarva Power & Light Co. of Virginia (Delmarva), tendered for filing the report of refund in compliance with the Order Approving Settlement issued by the Federal Power Commission on July 1, 1977, in the docket herein. Delmarva states that the report includes the monthly billing determinants and revenues under prior, present and settlement rates, the monthly revenue refund, and the monthly interest computation, together with a summary of such information for the total refund period.

Any person desiring to file comments should file such comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before December 19, 1977. Copies of Delmarva's filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35082 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. RP78-12]

EAST TENNESSEE NATURAL GAS CO.

Order Suspending Proposed Rate Increase, Initiating Hearing, and Establishing Procedures

NOVEMBER 30, 1977.

On October 31, 1977, East Tennessee Natural Gas Co. (East Tennessee), tendered for filing in the above docket proposed changes to its FPC Gas Tariff which would increase its revenues for jurisdictional natural gas sales and services by approximately \$3.9 million annually based on costs and sales volumes for the 12 months ended July 31, 1977, as adjusted for known and measurable changes through April 30, 1978. East Tennessee requests the proposed increase be permitted to become effective on December 1, 1977. For the reasons stated below, the Commission shall accept the proposed rate increase for filing, suspend it for five months, and set the matter for hearing.

Public notice of East Tennessee's filing was issued November 15, 1977.

*Twenty-fourth Revised Sheet No. 4 and First Revised Sheet No. 51D of Sixth Revised Volume No. 1.

providing for protests or petitions to intervene to be filed on or before November 23, 1977.

East Tennessee states that the principal reasons for its proposed rate increase are (1) Decreased sales volumes of approximately 7.5 percent; (2) increased revenues needed to provide an overall rate of return of 12.14 percent; (3) increased income taxes due to pre-1954 plant fully depreciated for tax purposes; (4) increased operating expenses such as labor, materials and supplies, and services; (5) increased property and payroll taxes.

Based upon a review of East Tennessee's filing herein, the Commission finds that the proposed higher rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept East Tennessee's proposed rate increase for filing, suspend its use for five months or until May 1, 1978, when it shall be permitted to become effective, subject to refund, and shall set the matter for hearing.

East Tennessee has also filed tariff revisions which would (1) amend and standardize the unauthorized overrun penalties prescribed for the CD, CR, CPR, G, and SG Rate Schedules, and (2) clarify the calculations of curtailment credit adjustments for the CD, CR, CPR, and G Rate Schedules. East Tennessee requests that these amended tariff sheets be made effective without suspension. However, if they are suspended, East Tennessee requests that they not be suspended for more than one day so as to permit their effectiveness, subject to refund, for the coming winter period. The Commission finds that good cause exists for a one day suspension of the unauthorized overrun penalty and curtailment credit tariff sheets.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed by East Tennessee, and that the same be accepted for filing and suspended as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by East Tennessee.

*First Revised Sheet No. 74A; Second Revised Sheet Numbers 7, 11, 14, 24, 25, 28, 69A; Third Revised Sheet Numbers 6, 10, 13; Fourth Revised Sheet Number 41; Fifth Revised Sheet Numbers 27, 69; and Eighth Revised Sheet Number 23 of Sixth Revised Volume Number 1 of its FERC Gas Tariff.

(B) Pending hearing and decision, East Tennessee's proposed rate increase is accepted for filing and suspended for five months, or until May 1, 1978, when it shall be permitted to become effective subject to refund, upon motion filed by East Tennessee in accordance with the provisions of the Natural Gas Act.

(C) The Commission staff shall prepare and serve top sheets on all parties on or before February 28, 1978.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(E) East Tennessee's tariff revisions reflecting amendments of the unauthorized overrun penalties and of curtailment credit adjustments, shall be suspended for one day, or until December 2, 1977.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 77-35083 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. CP78-68]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

NOVEMBER 30, 1977.

Take notice that on November 7, 1977, Florida Gas Transmission Co. (applicant), P.O. Box 44, Winter Park, Fla. 32790, filed in Docket No. CP78-68 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of certain quantities of natural gas for Transcontinental Gas Pipe Line Corp. (Transco), acting in individual capacity and as agent for certain owners

¹The application was initially tendered for filing on November 7, 1977; however, the fee required by section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until November 21, 1977; thus, filing was not completed until the later date.

holding working interests in State Tract 152, Galveston County, Tex., all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Transco has requested applicant's assistance in transporting certain quantities of natural gas from Chambers County, Tex., to Vermilion Parish, La. Pursuant to the terms of a transportation agreement, dated September 26, 1977, Transco would deliver or cause to be delivered, to applicant at a mutually agreeable point on applicant's 24-inch pipeline in Chambers County, Tex., up to 2,000 million Btu's per day,² and applicant proposes to redeliver equivalent volumes of natural gas, less 2 percent of the million Btu's delivery quantity which applicant would use to offset compressor fuel, unaccounted for losses, etc.; and applicant's pro rata share of any gas which may be vented and loss for any reason from that portion of applicant's facilities being utilized to perform the instant service to Transco at the existing authorized interconnection of applicant's and Transco's facilities in Vermilion Parish, La., or at any other existing authorized interconnection which may be mutually agreeable to applicant and Transco.

Applicant indicates that in order to effectuate the instant service, it would be necessary for applicant to provide a connection to its existing pipeline facilities in Chambers County, Tex., and install certain other new facilities, and that it would install, maintain, and operate a measuring station immediately downstream from the point-of-delivery. Applicant further indicates that Transco would reimburse applicant for all expenses so incurred. The facilities would be constructed pursuant to existing budget-type authorization, it is said.

Applicant states that Transco would pay applicant 11.5 cents per million Btu's for each million Btu's redelivered at the point of redelivery, which transportation rate is composed of a facility charge (8.6 cents per million Btu's redelivered at the point of redelivery) and a service charge (2.9 cents per million Btu's redelivered at the point of redelivery).

Any person desiring to be heard or to make any protest with reference to said application should on or before December 20, 1977, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance

²It is stated that the 2,000 million Btu's represents Transco's share of the subject gas, plus that owned by other working interest owners. Also, applicant may accept greater or lesser quantities as the operating and transmission conditions of its pipeline facilities and its own capacity requirements allow, it is said.

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 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. 77-35084 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. CP78-711]

NATURAL GAS PIPELINE CO. OF AMERICA ET AL.

Notice of Joint Pipeline Application

NOVEMBER 30, 1977.

Natural Gas Pipeline Co. of America, Columbia Gulf Transmission Co., Northern Natural Gas Co., Southern Natural Gas Co.

Take notice that on November 10, 1977, Natural Gas Pipeline Co., of America, 122 South Michigan Avenue, Chicago, Ill. 60603; Columbia Gulf Transmission Co., 3805 West Alabama, Houston, Tex. 77027; Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr. 68102; and Southern Natural Gas Co., First National-Southern Natural Building, Birmingham, Ala. 35203 (applicants), filed in Docket No. CP78-71 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of offshore

and onshore gas purchase facilities necessary to connect gas supplies located in East Cameron Block 34, offshore Louisiana, to a point of connection to Tennessee Gas Pipeline Co.'s 12" pipeline onshore, in Cameron Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the facilities necessary to attach the gas from the producers' platform in East Cameron, to Tennessee's pipeline in section 45, T15S, R5W, Cameron Parish, La., include 19.2 miles of 12-inch pipeline, 10.7 miles offshore, and 8.5 miles onshore, and appurtenant facilities. Applications estimate that the total cost of such facilities will be approximately \$8,773,200. Applicants will reimburse Tennessee for its costs resulting from the connection to its pipeline.

Any person desiring to be heard or to make any protest with reference to said application, on or before December 20, 1977, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on 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. 77-35085 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. CP78-73]

NATURAL GAS PIPELINE CO. OF AMERICA ET AL.

Notice of Joint Pipeline Application

NOVEMBER 30, 1977.

Natural Gas Pipeline Co. of America, Michigan Wisconsin Pipe Line Co., Transcontinental Gas Pipe Line Corp., Trunkline Gas Co., United Gas Pipe Line Co.

Take notice that on November 10, 1977, Natural Gas Pipeline Co. of America, 122 South Michigan Avenue, Chicago, Ill. 60603; Michigan Wisconsin Pipe Line Co., One Woodward Avenue, Detroit, Mich. 48226; Transcontinental Gas Pipe Line Corp., 2700 South Post Oak Road, Houston, Tex. 77056; Trunkline Gas Co., 300 Bissonnet Avenue, Houston, Tex. 77005; and United Gas Pipe Line Co., 700 Milam Street, Houston, Tex. 77001 (applicants), filed in Docket No. CP78-73 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and related facilities necessary to connect gas supplies located in High Island Area Block A-317, offshore Texas, to a subsea tie-in with High Island Offshore System's (HIOS) facilities located in Block A-316, all gas more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the facilities necessary to attach the gas from the producers' platform in Block A-317 to the HIOS tie-in in Block A-316 are 3.06 miles of 12-inch gathering line and other appurtenant facilities. Applications estimate that the total cost of such facilities will be approximately \$3,145,000.

Any person desiring to be heard or to make any protest with reference to said application, on or before December 20, 1977, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in the subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the

Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on 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. 77-35086 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. RP74-100(PGA78-1a)]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

NOVEMBER 29, 1977.

Take notice that on November 23, 1977, National Gas Fuel Supply Corp. (National) tendered for filing as part of its FERC Tariff, Original Volume No. 1, Second Alternate Fourteenth Revised Sheet No. 4, proposed to be effective December 1, 1977.

National states that the purpose of this revised tariff sheet is to adjust to National's rates pursuant to the PGA provisions in section 17 of the general terms and conditions and to establish a special refund credit to be effective December 1, 1977, through September 30, 1978. National further states that such tariff sheet reflects an adjustment in National's rates of (17.92¢) per Mcf on Second Alternate Fourteenth Revised Sheet No. 4.

National proposes in the event that Second Alternate Fourteenth Revised Sheet No. 4 is not approved to be effective December 1, 1977, that Fourteenth Revised Sheet No. 4 or Alternate Fourteenth Revised Sheet No. 4, filed on November 8, 1977, be made effective December 1, 1977.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on

or before December 15, 1977. Protests will be considered by the Commission in determining the appropriate 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. 77-35087 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. RP76-158]

NORTH PENN GAS CO.

Order Granting Rehearing, Establishing
Procedures, and Granting Motion to Vacate
Order

NOVEMBER 30, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On September 30, 1977, the Federal Power Commission¹ issued an Order Approving Settlement Agreement in these proceedings, whereby the Commission approved an agreement filed

¹The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

by North Penn Gas Co. (North Penn) and supported by the Commission staff. In its comments regarding the settlement agreement, the Public Service Commission of the State of New York (PSNY) contended that the 13.35 percent return on common equity provided for in the settlement was "out of line in comparison to rates of return recommended by the Commission staff on similar capital structures" and was outside the zone of reasonableness since North Penn has a high equity ratio in its capital structure. PSNY recommended a 12.75 percent return on equity for North Penn. The Commission found PSNY's comments unsubstantiated by the record evidence and unpersuasive.

On October 31, 1977, PSNY filed with the Federal Energy Regulatory Commission an application for rehearing of the September 30, 1977, order. PSNY concedes that the Commission has the authority to approve contested settlement agreements based upon record evidence, and that a full hearing is not a prerequisite to the Commission's consideration of a contested settlement agreement. However, PSNY also correctly notes that the record before the Federal Power Commission was a limited one, and that the presiding Administrative Law Judge certified the settlement agreement to the Federal Power Commission prior to the filing of testimony and cross-examination of witnesses. PSNY contends that the Commission could not have properly evaluated the contested rate of return issue on its merits, based upon the limited record before it. PSNY therefore requests the Commission to remand this proceeding "to provide the necessary record base for any action," should the Commission reject a 12.75 percent return on common equity for North Penn.

In support of its request for a hearing of the rate of return issue, PSNY raises issues concerning the degree of risks facing North Penn, the operation of the North Penn's system, and the comparability of North Penn with other pipelines, such as Natural Gas Co. of America and Tennessee Gas Pipeline Co. These questions cannot be resolved on the basis of the record in view of PSNY's objections and we will remand this proceeding for further hearing. It is therefore premature to rule now upon the merits of PSNY's contentions.

The Commission notes that while PSNY has not relinquished its right to a full evidentiary hearing of any issues arising in this proceeding, PSNY did not advance a request for hearing of any issue in the course of prehearing conferences before the presiding Administrative Law Judge. PSNY chose instead to file brief comments on the settlement agreement, rather than tes-

timony, on the issue of rate of return. PSNY was fully aware of the limited nature of the record as certified to the Commission. By failing to request in a timely manner a hearing on the contested rate of return issue, PSNY has rendered meaningless the time consuming process involved in the certification of the record by the presiding Administrative Law Judge and the Commission's determination of the merits of the comments of the parties on the settlement agreement.

The Commission finds it necessary to remand this proceeding to the presiding Administrative Law Judge for purposes of adducing evidence and for cross-examination of witnesses on the issue of rate of return. The Commission notes that the settlement agreement did not specify rate of return as a reserved issue which could be determined independently of the Commission's decision to approve the settlement agreement.² As stated in the September 30, 1977, order, rate of return is merely one aspect of this agreement which should be taken as a whole. The parties on remand may present evidence subject to cross-examination on any other issue arising in these proceedings or resubmit a settlement for review by the Commission. Accordingly, the commission will grant rehearing and remand the settlement agreement and this proceeding to the presiding Administrative Law Judge.

On October 11, 1977, North Penn submitted revised tariff sheets reflecting the findings made in the September 30, 1977, order, along with a proposed refund schedule. On November 2, 1977, the Commission issued a letter order approving the tariff sheets and the refund schedule. On November 4, 1977, North Penn filed motions requesting the Commission to vacate the November 2, 1977, order and to authorize North Penn to withdraw its October 11, 1977, filing, in view of the fact that the order of September 30, 1977, is not final and nonappealable. Because the Federal Energy Regulatory Commission is remanding the entire proceeding to the Administrative Law Judge, the acceptance of North Penn's revised tariff sheets and refund schedule is premature. The Commission therefore grants North Penn's motions.

The Commission finds:

(1) PSNY's application for rehearing should be granted.

(2) These proceedings and the settlement agreement should be remanded to the presiding Administrative Law Judge for purposes of conducting full

²See, in comparison, *Consolidated Gas Supply Corporation*, Docket Nos. RP73-107, RP74-90, and 75-91 Order Approving Settlement Agreement Subject to Conditions and Prescribing Reasonable Rate of Return, issued on July 5, 1977.

evidentiary hearings on any and all issues arising in these proceedings or conducting further settlement negotiations.

(3) North Penn's motions to vacate the Commission's letter order of November 2, 1977, and to withdraw its revised tariff sheets should be granted.

The Commission orders:

(A) PSNY's application for rehearing is hereby granted.

(B) These proceedings and the settlement agreement are hereby remanded to the presiding Administrative Law Judge for purposes of conducting full evidentiary hearings on any and all issues arising in these proceedings, or for conducting further settlement negotiations. Within 20 days of the issuance of this order, the presiding Administrative Law Judge shall convene a prehearing conference for purposes of establishing a schedule for the filing of testimony, and for commencement of a hearing, or for conducting further settlement negotiations.

(C) North Penn's motions to vacate the Commission's letter order of November 2, 1977, and to withdraw its revised tariff sheets are hereby granted.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 77-35088 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket Nos. ER77-127, ER77-215, ER77-336, and ER77-502]

OKLAHOMA GAS & ELECTRIC CO.

Notice of Certification

NOVEMBER 30, 1977.

Take notice that Presiding Administrative Law Judge George P. Lewnes on November 3, 1977, certified to the Commission, for whatever disposition it deems appropriate, in the above-noted consolidated docket, in accordance with the provisions of Sections 1.18(e), 1.27(b), and 1.30 of the Commission's Rules of Practice and Procedure: (a) Motion for certification, (b) Settlement Agreement designated Attachment I along with Appendices A through E and Attachments II through VII, and (c) Volume 1 of the transcript.

Judge Lewnes indicates that the parties to the proceeding indicated, when the aforementioned certified items were filed with the Commission on October 31, 1977, by Oklahoma Gas and Electric Co. on behalf of itself and the wholesale customers involved in the proceeding, that approval of the proposed settlement would resolve all matters in the proceeding.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regula-

tory 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 protests should be filed on or before December 16, 1977. 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35089 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. TC78-1]

ALGONQUIN GAS TRANSMISSION CO.

Proposed Changes in FERC Gas Tariff

NOVEMBER 29, 1977.

Take notice that on November 14, 1977, Algonquin Gas Transmission Co. (Algonquin), tendered for filing, second revised sheet No. 120-A, original sheet No. 120-B and original sheet No. 120-C to Algonquin's FERC Gas Tariff, first revised vol. No. 1.

Algonquin states that these tariff sheets are being filed to pass through to Algonquin's customers the peak day exemption from curtailment that Texas Eastern Transmission Corp. is presently making available to Algonquin and to renumber the Peak Day Curtailment Exemption for Small Volume Buyers from section 14.8 to section 14.9. Except for the renumbering of the present section 14.8, there is no change to that section. It is also stated that the inclusion of the peak day curtailment exemption in Algonquin's tariff will make available to Algonquin's customers daily quantities of gas in excess of those presently available to meet their requirements on days of peak demand.

A proposed effective date of December 15, 1977, is 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 §§ 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 8, 1977. 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 77-35215 12-7-77; 8:45 am]

[6740-02]

[Docket No. RP72-157 (PGA78-3)]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in Gas Tariff

NOVEMBER 29, 1977.

Take notice that Consolidated Gas Supply Corp. (Consolidated), on November 15, 1977, tendered for filing proposed changes in its Gas Tariff, second revised volume No. 1. The rates shown on substitute twenty-seventh revised sheet Nos. 8 and 9, are proposed to be effective December 1, 1977 in lieu of the rates shown on twenty-seventh revised sheet Nos. 8 and 9 filed November 1, 1977.

Consolidated states the purpose of the filing is to flow through to its jurisdictional customers the jurisdictional portion of refunds received from two of its pipeline suppliers, Texas Eastern Transmission Corp. (Texas Eastern), and Tennessee Gas Pipeline Co. (Tennessee). The jurisdictional portion of the Texas Eastern refund, a result of the settlement of Docket No. RP75-73 is \$27,134,803.03. The jurisdictional portion of the Tennessee refund is \$21,706,477.07 and results from Commission Opinion Nos. 769 and 769-A in Docket No. RP73-113.

Consolidated proposes to flow through the refunds over a 12-month period commencing December 1, 1977.

Consolidated requests a waiver of the Commission's rules and regulations and its tariff provisions to the extent deemed necessary.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 13, 1977. 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. 77-35218 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. RP72-157(PGA78-2)]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in Gas Tariff

NOVEMBER 29, 1977.

Take notice that Consolidated Gas Supply Corp. (Consolidated) on November 8, 1977, tendered for filing proposed changes in its Gas Tariff, Second Revised Volume No. 1 pursuant to Commission order of October 31, 1977, for rates to be effective October 1, 1977. The proposed changes would produce approximately \$16.5 million less annually in jurisdictional revenues.

Consolidated states the revised rates shown on Substitute Twenty-Fifth Revised Sheet Nos. 8 and 9 reflect the reduced rates of Texas Eastern Transmission Corp. which reflect settlements of Texas Eastern's Docket No. RP75-73 and Texas Gas' Docket No. RP74-25. Approvals of the settlement rates were made at such a time that in order to meet the Notice Requirements, specifically Section 154.22 of the Commission's Rules and Regulations, Consolidated would be required to file for effectiveness November 1, 1977.

Consolidated requests a waiver of any of the Commission's Rules and Regulations in order to permit the revised rates to become effective as proposed.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 7, 1977. 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. 77-35214 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. RP75-46(DCA78-1)]

EASTERN SHORE NATURAL GAS CO.

Curtailment Credit Adjustment to Rates and Charges

NOVEMBER 29, 1977.

Take notice that Eastern Shore Natural Gas Co. (Eastern Shore) on November 9, 1977, tendered for filing Third Alternate Substitute Forty-Fourth Revised Sheet No. 3A and PGA-1 Superseding Second Alternate Forty-Fourth Revised Sheet No. 3A and PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective December 1, 1977, will decrease the commodity or delivery charges of Eastern Shore's Rate Schedules CD-1, CD-E, G-1, E-1, and PS-1 by 1 cent per Mcf to reflect curtailment credits.

Copies of this filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 8, 1977. 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35216 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. RP74-100 (PGA78-1)]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

NOVEMBER 29, 1977.

Take notice that on November 8, 1977, National Fuel Gas Supply Corp. (National) tendered for filing as part of its FERC Tariff, Original Volume No. 1, Fourteenth Revised Sheet No. 4, proposed to be effective December 1, 1977.

National states that the purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in Section 17 of the General Terms and Conditions and to establish a special refund credit to be effective

December 1, 1977 through September 30, 1978. National further states that such tariff sheet reflects an adjustment in National's rates of (16.50¢) per Mcf on Fourteenth Revised Sheet No. 4.

National proposes, in the event that Fourteenth Revised Sheet No. 4 is not approved effective December 1, 1977, that Alternate Fourteenth Revised Sheet No. 4 filed herewith be made effective December 1, 1977. Alternate Fourteenth Revised Sheet No. 4 reflects only the current PGA adjustment.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 7, 1977. Protests will be considered by the Commission in determining the appropriate 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. 77-35213 12-7-77; 8:45 am]

[6740-02]

[FERC Docket No. OR78-1]

TRANS ALASKA PIPELINE SYSTEM:
INVESTIGATION AND SUSPENSION

Petition To Hold Concurrent Proceedings

DECEMBER 6, 1977.

Take notice that on November 16, 1977, the State of Alaska (Alaska) filed a petition in Docket No. OR78-1 requesting the Federal Energy Regulatory Commission (FERC) to authorize that evidentiary hearings scheduled in the captioned proceeding be held concurrently with a related proceeding now before the Alaska Pipeline Commission (APC). The petition is on file with the FERC and open to public inspection.

Alaska indicates that the proceeding scheduled to be held before the APC, *In the Matter of Setting An Initial Tariff for the Intrastate Transportation of Petroleum Over the Trans Alaska Pipeline System By Exxon, Sohio, ARCO and Union Alaska Pipe Line Companies*, APC Docket Nos. P-77-8, P-77-9, P-77-10 and P-77-11 and the FERC proceeding in Docket No.

OR78-1 involve numerous common questions of law and fact. Alaska states that issues common both to the FERC and APC proceedings include:

(a) The propriety of using a valuation rate base, original cost less depreciation rate base, or some other type of rate base;

(b) The original cost of Trans Alaska Pipeline System (TAPS) which should be allowed as prudently-invested, including the amount of interest during construction that should be capitalized;

(c) The proper rate of return to be applied to the rate base;

(d) The proper amount of operating expenses;

(e) The treatment of income taxes;

(f) The service life of TAPS;

(g) The legality of tariff rules and regulations.

Alaska alleges that if concurrent proceedings are held the litigation burden of the parties would be reduced and expeditious resolution of the issues in both proceedings would be encouraged. Alaska indicates that it is a party to both the FERC and APC proceedings. The only significant difference between the FERC and the APC investigations, it is stated, is that the former proceeding will establish a just and reasonable rate for the interstate shipment of crude oil over the entire 800 mile distance of the Trans Alaska Pipeline System while the APC investigation will establish a rate for the intrastate shipment of crude over the 469 miles between Prudhoe Bay to North Pole, Alaska, or for the entire 800 mile distance from Prudhoe Bay to Valdez.

Alaska states that the APC proceeding has been divided into two phases: The first phase is to begin January 4, 1978, the second phase will occur only if the APC is unable to hear the case jointly with the FERC. The subject matter of the first phase is confined, it is stated, to narrow issues relevant solely to intrastate tariffs.

Alaska emphasizes that it is not seeking consolidation of the proceedings. Rather, Alaska only requests concurrent taking of evidence. It is suggested that under the concurrent hearing procedure each commission would designate a presiding officer or officers who would jointly preside over the proceedings. Each officer would be fully empowered to make rulings governing the record in his or her commission's proceeding. Alaska believes that a very high percentage of the record developed in such concurrent hearing would be common to both agencies. Divergent rulings during the hearing, however, would be carefully identified and defined and each agency would have a separate record upon which it can base its final decision.

Alaska states that a copy of the instant petition was simultaneously filed

with the APC. Alaska also states that it has been advised that the APC is willing to accept the Presiding Administrative Law Judge's procedural schedule established by ruling issued October 13, 1977, in Docket No. OR78-1 and that APC is agreeable to holding a concurrent hearing at FERC headquarters.

Any person desiring to be heard with reference to Alaska's petition should, on or before December 19, 1977, file comments with the FERC, 825 North Capitol Street, Washington, D.C. 20426. All comments filed with the FERC will be considered by it in determining the appropriate action to be taken but will not serve to make any person a party to the proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35212 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. RP78-26]

**TRANSCONTINENTAL GAS PIPE LINE CORP.
(NORTH CAROLINA UTILITIES COMMISSION
ON BEHALF OF FARMERS CHEMICAL ASSO-
CIATION)**

**Request for Special Allocation of Gas for
Winter Period**

DECEMBER 5, 1977.

Take notice that on November 10, 1977, the North Carolina Utilities Commission (North Carolina) requested by telegram that the Federal Energy Regulatory Commission authorize a special allocation of flowing gas for the 1977-1978 winter period for the Farmers Chemical Association (Farmers Chemical) plant at Tunis, N.C., that closed as of November 1, 1977, because of total curtailment of natural gas for the plant's feedstock and process requirements by Transcontinental Gas Pipe Line Corp.

North Carolina asserts that the plant, which is expected to remain shutdown for the five-month winter period, is the main supplier of agricultural fertilizer in the States of North Carolina, South Carolina, Virginia, Georgia, Tennessee, Alabama, Florida, Delaware, Kentucky, Maryland, and West Virginia.

Farmers Chemical to date has not joined in North Carolina's request that it be afforded a special allocation of gas.

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 application should file a

petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10) on or before December 12, 1977. 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. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35217 Filed 12-7-77; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket Nos. RP76-94, RP76-95, RP75-105,
RP75-106]

**COLUMBIA GULF TRANSMISSION CO. AND
COLUMBIA GAS TRANSMISSION CORP.**

Notice Consolidating Proceedings

DECEMBER 1, 1977.

In the matter of Columbia Gulf Transmission Co., and Columbia Gas Transmission Corp., Docket Nos. RP76-94 and RP76-95 (Offshore Plant Depreciation Rate); Columbia Gulf Transmission Co., and Columbia Gas Transmission Corp., Docket Nos. RP75-105, RP75-106.

On August 18, 1977, Columbia Gulf Transmission Co. (Columbia Gulf) filed a motion to consolidate the proceedings at Docket Nos. RP75-105 and RP76-94 for the purpose of hearing and decision on the limited issue of the proper depreciation accrual rate for Columbia Gulf's offshore plant.

Pursuant to § 3.5(a)(6) of the Commission's Rules and Regulations, notice is hereby given that the proceeding at Docket No. RP75-105 is consolidated with the proceeding at Docket No. RP76-94 for the purpose of hearing and decision on the limited issue of Columbia Gulf's offshore depreciation accrual rate. Further procedural dates will be set by the Presiding Administrative Law Judge. Any filings made pursuant to this consolidation shall carry the above caption.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35096 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. ER76-494]

**DELMARVA POWER & LIGHT CO. AND
SUBSIDIARIES****Notice of Compliance Filing**

DECEMBER 1, 1977.

Take notice that Delmarva Power & Light Co., Delmarva Power & Light Co. of Maryland, and Delmarva Power & Light Co. of Virginia (Delmarva and its subsidiaries) on November 16, 1977, tendered for filing their joint Report of Compliance with the Commission's Order issued July 1, 1977, as follows:

(1) Pursuant to Ordering Paragraph (B) of said Order, Delmarva indicates that it has previously filed with the Commission the respective revised tariff sheets and rate schedules necessary, and that that submittal has been accepted for filing, by letter of the Secretary issued October 18, 1977.

(2) Pursuant to Ordering Paragraph (C) of such Order, Delmarva indicates that it has refunded the excess revenues collected, with interest at 9 percent.

(3) On Exhibit A, filed herein, pursuant to Ordering Paragraph (D), are shown the monthly billing determinants and revenues under prior, present and settlement rates, the monthly revenue refund, and the monthly interest computation, together with a summary of such information for the total refund period. Delmarva indicates that all such refunds were made on July 28, 1977, and that interest has been calculated through that date.

Delmarva and its subsidiaries submit that they have complied fully with the Commission's order of July 1, 1977, and that the proceedings in Docket No. ER76-494 should be terminated.

Any person desiring to be heard or to protest said filing should file a petition to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before December 16, 1977. 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35097 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. ER78-64]

FLORIDA POWER CORP.**Notice of Filing of Contract Amendment**

DECEMBER 1, 1977.

Take notice that Florida Power Corp. (Florida Power), on November 22, 1977, tendered for filing an amendment to its contract for interchange service with Orlando Utilities Commission. Florida Power states that the amendment, which was added to the contract by mutual agreement, affects charges for firm, interchange service during periods of maintenance or unexpected outage by pricing those charges at the seller's incremental cost and by excluding gas from the computation of those charges.

Florida Power proposes an effective date of June 1, 1977, and therefore requests waiver of the Commission's notice requirements.

Florida Power further states that copies of this filing were served upon the Orlando Utilities Commission and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB
Secretary.

[FR Doc. 77-35098 12-7-77; 8:45 am]

[6740-02]

[Docket No. ER78-66]

KANSAS POWER & LIGHT CO.**Notice of Proposed Changes of Rates and
Charges**

DECEMBER 1, 1977.

Take notice that on November 21, 1977, the Kansas Power & Light Co. (KPL) tendered for filing a newly executed renewal contract dated October 17, 1977, with the City of St. Marys, Kans. for wholesome service to that community. KPL states that this is a renewal of a similar contract dated September 18, 1967, and designated

KPL Rate Schedule FPC No. 94. KPL further states that the net billing for the 12 months succeeding the proposed change in agreements will be \$243,624.02.

KPL proposes an effective date of November 1, 1977, and therefore requests waiver of the Commission's notice requirements.

According to KPL copies of this contract have been mailed to the City of St. Marys and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 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 12, 1977. 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35099 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. ER77-4651]

OKLAHOMA GAS & ELECTRIC CO.**Order Accepting for Filing and Suspending
Rate Increase, Providing for Hearing, Estab-
lishing Procedures, Granting Motion in Part
and Denying Same in Part**

NOVEMBER 30, 1977.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977 and Executive Order No. 12009, 42 FR 46267 (September 15, 1977)), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The func-

tions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR—, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On June 21, 1977, Oklahoma Gas & Electric Co. (OG & E) submitted for filing a proposed Transmission Agreement between itself and Western Farmers Electric Cooperative (Western) that provides for OG & E to wheel power and energy furnished by Western to its member cooperatives. OG & E requested waiver of the 30-day notice requirement to allow the Agreement to become effective on July 1, 1977.

Notice of the proposed Transmission Agreement was issued on July 7, 1977, with comments due on or before July 15, 1977. On July 15, 1977, Western, along with nine other cooperatives, petitioned to intervene in this proceeding.

The proposed Transmission Agreement with its requested effective date of July 1, 1977 was contemplated to replace service being rendered pursuant to a three party agreement (IPSA-356) between OG & E, Southwestern Power Administration (SPA), and Public Service Company of Oklahoma (PSCO), which was to terminate by its own terms on June 30, 1977. In Public Service Company of Oklahoma, Docket No. ER77-422, the Commission on June 30, 1977, ordered that the proposed termination be suspended for 5 months. The Commission's order, in effect, extended service under IPSA-356 through November 30, 1977.

The Commission's action in Docket No. ER77-422 raised questions concerning the effective date of the proposed Transmission Agreement in this docket, "since IPSA-356 and the instant Agreement provide for essentially the same service".¹ Consequently, on July 21, 1977, the Secretary of the Commission sent a Deficiency Letter to OG & E, requesting that it clear up the ambiguity surrounding the proposed effective date of the Agreement.

By letter dated August 3, 1977, OG & E responded by requesting that it be allowed to withdraw its filing to permit further review of the objections and questions raised by the filing. OG & E did state in its response that service under the Agreement is not anticipated to commence for several months.

¹ Order Denying Request For Withdrawal of Rate Filing, issued September 7, 1977, in Docket No. ER77-465.

By letter dated August 9, 1977, Western and nine electric cooperatives objected to the withdrawal of the proposed Transmission Agreement, maintaining that any problems raised by the Agreement should be resolved in the context of an investigation in this docket.

On September 7, 1977, the Federal Power Commission issued an Order Denying OG&E's Request for Withdrawal of Rate Filing. The FPC noted that Western, a signatory to the Agreement, did not consent to the withdrawal and has filed a Petition to Intervene in this proceeding along with nine other cooperatives. As a result, the FPC ordered that OG&E's request for withdrawal of its proposed Agreement filed in this docket be denied, and required OG&E to file a specific proposed effective date for commencement of service under its contract with Western. At this time, OG&E has not filed such a date with the Commission.

On November 15, 1977, Western and certain member cooperatives² filed a Motion for the Issuance of an Order Suspending Rate Filing and Designating Effective Date in this proceeding. In its Motion, Western states that the parties to Docket No. ER77-422 have reached a proposed settlement terminating that litigation. With respect to OG&E, a proposed settlement agreement was submitted to the Presiding Administrative Law Judge, who, upon motion of the Commission Staff, certified the settlement to this Commission on November 9, 1977. As a result, Western states that it is appropriate for the Commission to issue an order suspending the effectiveness of the proposed Western Farmers-OG&E agreement "through November 30, 1977, and allowing it to become effective on December 1, 1977 subject to refund."³ Western also states that it is appropriate for the Commission to waive its regulations so as to allow the wheeling arrangement to become effective, subject to refund, December 1, 1977.

On November 21, 1977, Western filed an Emergency Motion for Commission Action in this proceeding. In its Emergency Motion, Western reiterated that the Western Farmers-OG&E wheeling agreement is intended to allow continuation of service to certain member cooperatives following termi-

² The intervening member cooperatives are: Kay Electric Cooperative, Alfalfa Electric Cooperative, Inc., Canadian Valley Electric Cooperative, Inc., Peoples Electric Cooperative, Inc., Kimanchi Electric Cooperative, Inc., Southeastern Electric Cooperative, Northwestern Electric Cooperative, Inc., Caddo Electric Cooperative, Inc. and Harmon Electric Association, Inc.

³ Mimeo at 2.

nation of service to these cooperatives under the provisions of IPSA-356. To provide the service, Western Farmers executed a contract with the Southwestern Power Administration (SPA) according to which SPA will make available to Western Farmers, for the benefit of its member cooperatives, hydroelectric peaking capacity, supplemental peaking energy, excess energy and interruptible capacity. This contract states that:

*** SWPA and Western understand and agree that this Contract shall not become effective unless on or before December 1, 1977:

(1) Western submits to SWPA a copy of duly executed contracts or agreements, which, on the date of submission to SWPA are fully operative, and have been approved or accepted for filing by the Federal Energy Regulatory Commission, and which demonstrate and evidence to the satisfaction of SWPA that Western can and will cause power and energy to be delivered to the 'Eastern Member Cooperatives' in quantities sufficient to fill their present and future electric service requirements; ***

If Western, for any reason, fails or refuses to submit contracts or agreements which fulfill the terms and conditions set forth in subpart (1), above, *** this Contract ipso facto shall be and hereby is rescinded, cancelled, and terminated as of December 1, 1977, and thereafter shall be null and void without further force or effect.

In sum Western states that this contract is conditioned specifically upon the ability of Western Farmers to demonstrate to the SPA that it has the ability to transmit power and energy to those member cooperatives served by SPA through OG&E's transmission system under the provisions of IPSA-356.

Western concludes that unless the Commission suspends the filing and gives it an effective date of December 1, 1977, the member cooperatives now served over OG&E's transmission system under IPSA-356 will be without a means of obtaining SPA power, and the existing contractual arrangement with SPA for future power deliveries will be voided.

On November 22, 1977, OG&E filed an Answer to Western Farmers' Motion. In its response, OG&E states that in its filing of June 21, 1977, OG&E requested an effective date of July 1, 1977, and that it has never modified that request. OG&E states that the subject filing represents an initial rate schedule, and that, as a result, the Commission cannot suspend its effectiveness. OG&E states that the Commission should accept the filing as an initial rate filing, effective as of December 1, 1977; should a hearing be ordered, OG&E states that it should be pursuant to Section 206 of the Federal Power Act. On November 25, 1977, Western Farmers filed a Reply to OG&E's Answer. The issue presented to the Commission by West-

ern Farmers' Motion and OG&E's Answer thereto is whether the proposed agreement constitutes an initial rate or a change in rate schedules.

In support of its argument that the filing is an initial rate, OG&E states that in this docket the parties are dealing with:

*** a completely new kind of service, never before provided, and not proposed to this Commission as a modification of, or addition to, the Interconnection Agreement (ISPA-356) *** clearly, here, transmission will commence for Western Farmer.*

(1) OG&E states that under ISPA-356, service is provided to the SPA, not to either Western Farmers or to the member cooperatives of Western Farmers. Under ISPA-356, OG&E is not providing a separately defined transmission function, but is purchasing capacity and energy from the SPA and delivering different amounts of capacity and energy to the customers of SPA for the account of SPA.

(2) OG&E states that ISPA provides no separate wheeling rate, and it would be difficult or impossible to compute one.

(3) Previous Interconnection Agreements between OG&E and Western Farmers specifically provide only for Short-Term Power Service, Emergency Service and Economy Energy Service; and OG&E has never provided wheeling service to Western Farmers either directly or indirectly.

(4) Western Farmers is not the successor to the SPA or the SPA's interests in ISPA-356.

We find that the distinctions raised by OG&E between the service provided under ISPA-356 and the subject filing do not warrant treating this filing as an initial rate schedule. With regard to OG&E's first contention, it is true that the subject contract of ISPA-356 is between the SPA and OG&E, while the instant filing involves the contract between OG&E and Western Farmers. It is clear, however, that while OG&E's contract was technically with the SPA in ISPA-356, the municipals that are now represented by Western Farmers were third-party beneficiaries of that agreement. In the instant case, the agreement between OG&E and Western Farmers is an indispensable link in the chain of agreements necessary ultimately to provide power to the cooperatives represented by Western Farmers. Indeed, it is the SPA's requirement that Western Farmers present an executed contract for delivery of power to the cooperatives that is the gravamen of the emergency nature of this proceeding. In *Otter Tail Company*, Docket Nos. ER-77-5, 6, 7, E-9544 and E-8152, the

Federal Power Commission was faced with a similar situation. In that case, Otter Tail Power Co. (Otter Tail) filed an "initial" rate schedule providing for transmission services by Otter Tail to Municipal Customers to replace transmission service provided to the United States Bureau of Reclamation for the benefit of the municipalities. Like OG&E, Otter Tail argued that its filing was an initial rate schedule. Holding that it was not, the FPC stated:

In this instance, the Commission will not allow form to triumph over substance. Though Otter Tail's Contract was technically with the Bureau, the municipalities were third-party beneficiaries of that Agreement.*

Secondly, while there are differences between the type of service provided under ISPA-356 and the instant proposed agreement between OG&E and Western Farmers, the basic service being rendered in both instances is transmission service. Such was the case in *Otter Tail*, supra;* there the FPC similarly focused on the fact that the basic type of service provided under past and proposed schedules was transmission service. With regards to OG&E's second point, we note, as Western Farmers points out in its Reply, that OG&E's proposed successor to ER77-422 does in fact contain transmission service detail comparable to that set forth in the Western Farmers-OG&E agreement, which would be employed to compute a separate wheeling rate.

The allegations raised in OG&E's third point are answered by the same reasoning that answered its first point. The fact that previous interconnection agreements between OG&E and Western Farmers never provided for wheeling is irrelevant; the point is that previous agreements between OG&E and the SPA did provide for wheeling; as the cooperatives who were the third-party beneficiaries of that agreement are represented by Western Farmers in the instant case. OG&E continues in this case to transmit power from SPA to these same cooperatives. Clearly, the substance of the arrangement is the same.

Finally, OG&E fails to take cognizance of the Federal Power Commission's finding in its Order Denying Request for Withdrawal of Rate Filing⁷ in this docket. As noted, *supra*, the FPC stated:

*Order Denying In Part And Granting In Part Rehearing, issued June 2, 1977, in Docket Nos. ER77-5, ER77-6, ER77-7, E-9544 and E-8152.

*Mimeo at 5.

⁷ Issued September 7, 1977, Docket No. ER77-465.

The Commission's action in Docket No. ER77-422 raised questions concerning the effective date of the proposed Transmission Agreement in this docket, since ISPA-356 and the instant Agreement provide for essentially the same service. [Emphasis Supplied]*

Neither at the time of issuance of the above referenced order, nor within thirty (30) days thereof, did OG&E raise any objections to the Commission's finding. For all of the above stated reasons, we adhere to the FPC's previous interpretation of OG&E's filing as change in rate schedule, pursuant to Section 205 of the Federal Power Act.

ESTABLISHMENT OF AN EFFECTIVE DATE FOR THE FILING

In its Order Denying Request for Withdrawal of Rate Filing,* the FPC ordered OG&E to file a specific proposed effective date for commencement of service under its contract with Western. OG&E has not complied with that order.

In its Motion for Issuance of an Order, Western Farmers requested that this Commission suspend the effectiveness "through November 30,"¹⁰ and allow it to become effective, subject to refund, on December 1, 1977. In its Answer to that Motion, OG&E states that it is prepared to provide transmission service pursuant to the agreement at any time, and that it does not oppose that portion of Western Farmers' Motion requesting the commencement of service on December 1, 1977.

However, OG&E takes issue with Western Farmers' proposal to suspend the filing form what it calls "some non-defined date" through November 30, 1977, as being inconsistent with any facts before the Commission. We agree. On July 21, 1977, the Secretary of the FPC advised OG&E that its filing was deficient. Until some event occurs to change that situation, the filing is not accepted and may not be suspended. However, the circumstances in this case are such that the public interest would be ill served should this Commission fail to act. As noted *supra*, the SPA requires Western Farmers to present it with appropriate contracts accepted for filing with the Federal Energy Regulatory Commission on or before December 1, 1977. Western Farmers has cited the FPC's holding in *Florida Power & Light Company*, Docket No. ER77-175, corrected order issued April 12, 1977. There the FPC stated:

In the ordinary course of events, after a deficiency letter is sent out to the filing

*Id., mimeo at 2.

¹⁰ Issued September 7, 1977, in Docket No. ER77-465.

¹¹ Western Farmers' Motion, filed November 15, 1977, at 3.

*Answer of OG&E to Motion for Issuance of an Order, filed November 22, 1977.

party, the filing cannot be accepted until the deficiency has been corrected. However, in exceptional circumstances, the Commission may waive regulations if this waiver would be consistent with the public interest. * * * Therefore, consistent with the public interest, the Commission will waive the filing requirements not yet complied with by FP&L and accept the Company's proposed agreement for filing as of January 28, 1977."

OG&E states in its answer that, since the FPC changed other parts of this order on rehearing, the cited section "becomes dicta", and " * * * the balance of the corrected order is clearly in error and should not be relied upon by the Commission." We consider OG&E's argument to be a *brutum fulmen*, and accordingly, reject it. We also refer to the maxim of equity that regards as done that which ought to be done.¹¹ The FPC ordered OG&E to file a specific proposed effective date. In similar cases, the Court of Appeals has upheld the Federal Power Commission's reliance on this principle.¹² Accordingly, and based on the holding of *Florida Power & Light Company*, supra, we shall waive the filing requirement not yet complied with, and accept the proposed agreement for filing on November 30, 1977. The proposed Transmission Agreement tendered by OG&E on June 21, 1977 and supplemented as described above on November 30, 1977 have not been shown to be just and reasonable and therefore may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed Transmission Agreement tendered by Oklahoma Gas & Electric Company on June 21, 1977 and supplemented on November 30, 1977, establishing procedures for that hearing, and that the proposed Transmission Agreement be accepted for filing, suspended, and the use thereof deferred, all as hereinafter ordered.

(2) Good cause exists to waive the Commission's filing requirements, as described above.

(3) Good cause exists to grant in part and deny in part Western Farmers' Motion For Issuance of an Order Suspending Rate Filing and Designating Effective Date.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the DOE Act and by the Federal Power

Act, particularly Sections 205, 206, 301, 307, 308 and 309 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the Transmission Agreement proposed by Oklahoma Gas & Electric Co. in this proceeding.

(B) Pending such hearing and decision thereon, the proposed Transmission Agreement filed by Oklahoma Gas & Electric Co. on June 21, 1977 and supplemented on November 30, 1977 and identified above is hereby accepted for filing as of November 30, 1977, suspended and the use thereof deferred until December 1, 1977, when it shall become effective, subject to refund.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See, Delegation of Authority, 18 CFR § 3.5(d)), shall preside at an initial conference in this proceeding to be held on March 28, 1978, at 10:00 a.m. (ET) in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(D) The Motion of Western Farmers et al. for the Issuance of an Order Suspending Rate Filing and Designating Effective Date, filed November 15, 1977, is granted in part and denied in part, as described above.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

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

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 77-35090 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket Nos. CP77-17, CP77-92]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Change in Tariff

NOVEMBER 30, 1977.

Take notice that Panhandle Eastern Pipe Line Co. (Panhandle) on November 8, 1977 tendered for filing the fol-

lowing sheets to its F.P.C. Gas Tariff, Original Volume No. 2:

Third Revised Sheet No. 1-B
Original Sheet Nos. 715 through 748
Fourth Revised Sheet No. 1-B
Original Sheet Nos. 749 through 774
Fifth Revised Sheet No. 1-B
Original Sheet Nos. 775 through 801

Panhandle states that such changes are made to provide rate schedules T-15, T-16 and T-17 for transportation of natural gas for Northern Natural Gas Co. (Northern), as authorized by the Federal Power Commission in Docket Nos. CP77-17 and CP77-92. Panhandle proposes that these sheets become effective on January 14, 1977.

A copy of this filing has been served on Northern.

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 protest should be filed on or before December 20, 1977. 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. 77-35091 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. ER78-65]

PACIFIC POWER & LIGHT CO.

Notice of Initial Rate Filing

DECEMBER 1, 1977.

Take notice that Pacific Power & Light Co. (Pacific) on November 21, 1977, tendered for filing, in accordance with section 35.12 of the Commission's Regulations, a new rate schedule for power sales to Black Hills Power and Light Co., Tri-State Generation and Transmission Association, Inc., Puget Sound Power & Light Co., Utah Power & Light Co., The Washington Water Power Co., and Public Service Co. of Colorado (the purchasers). Pacific states that under this schedule Pacific supplies excess firm energy to the purchasers.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective October 21, 1977, which it claims is the date of commencement of service.

Pacific further states that copies of this filing were supplied to the purchasers.

¹¹ *Mimeo* at 2.

¹² 27 Am Jur 2d, Section 156, n. 12.

¹³ *Central Maine Power Company v. FPC*, 345 F. 2d 875, 876-877 (1965).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35100 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket Nos. ER76-149 and E-9537]

PUBLIC SERVICE CO. OF INDIANA, INC.

Notice of Compliance Filing

DECEMBER 1, 1977.

Take notice that on November 21, 1977, Public Service Co. of Indiana, Inc. (PSI) tendered for filing proposed changes in its tariff. PSI tendered revised tariff sheets in compliance with ordering Paragraph (A) of the Commission's order of September 30, 1977, in the captioned dockets which required a reduction in the rate of return to 9.25 percent on the allocated rate base. PSI tendered also a revised fuel adjustment clause which was stipulated and agreed to by the parties in this proceeding. PSI states that the parties agreed that the revised fuel adjustment clause would be effective as of March 31, 1976. PSI included in its revised tariff redesigned rates which PSI states are in conformance with Order No. 537 (issued November 9, 1975).

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 19, 1977. 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. 77-35101 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. CP78-51]

SOUTHERN NATURAL GAS CO. AND UNITED GAS PIPE LINE CO.

Notice of Joint Pipeline Application

NOVEMBER 30, 1977.

Take notice that on October 28, 1977, Southern Natural Gas Co. (Southern), P.O. Box 2563, Birmingham, Ala. 35202, and United Gas Pipe Line Co. (United), P.O. Box 1478, Houston, Tex. 77001 (collectively referred to as Applicants), filed in Docket No. CP78-51 a joint application in accordance with the provisions of Section 7 of the Natural Gas Act, as amended, and the rules and regulations of the Federal Power Commission as adopted by the Federal Energy Regulatory Commission (Commission), for Temporary and permanent certificates of public convenience and necessity authorizing the exchange of gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to exchange the volume of gas purchased by Southern from the Eugene Island Area, Blocks 26, 27 and 47, offshore Louisiana, with an equal volume of gas made available for exchange by United at the existing authorized interconnection between United at the existing authorized interconnection between United and Southern at Bayou Sale, St. Mary Parish, La. Southern will cause the delivery of its purchased gas from the Eugene Island Area to be delivered to United at United's existing transmission facilities at Eugene Island Area, Block 51. The proposed exchange service will enable Southern to receive up to approximately 7,000 Mcf per day of natural gas which is produced from the Marathon Oil Co., Sun Oil Co., and Union Oil Co. United will take delivery of gas for Southern's account at its Eugene Island Area, Block 51 facilities and in exchange will redeliver to Southern an equal volume of gas at the existing Bayou Sale Delivery Point.

Any person desiring to be heard or to make any protest with reference to said application, on or before December 19, 1977, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be consid-

ered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on 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. 77-35092 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. CP77-43]

TRUNKLINE GAS CO.

Notice of Change Tariff

NOVEMBER 30, 1977.

Take notice that trunkline Gas Co. (Trunkline) on October 31, 1977 tendered for filing the following sheets to its F.P.C. gas Tariff, Original Volume No. 2:

First revised Sheet No. 1-D.
Original Sheet Nos. 1293 through 1326.

Trunkline states that such changes are made to provide a rate schedule T-31 for the transportation of natural gas for Panhandle Eastern Pipe Line Co. (Panhandle). Trunkline proposes that these sheets become effective coincidental with the Commission's issuance of a temporary certificate in Docket No. CP78-43.

A copy of this filing has been served on Panhandle.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice

and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 20, 1977. Protests will be considered by the Commission 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 must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35093 12-7-77; 8:45 am]

[6740-02]

[Docket No. RP78-11]

TRUNKLINE GAS CO.

Order Accepting for Filing and Permitting Rate Decrease to Become Effective Subject to Refund, Granting Waiver, and Establishing Procedures

NOVEMBER 30, 1977.

On October 31, 1977, Trunkline Gas Co. tendered for filing proposed changes to its FPC Gas Tariff, Volume Nos. 1 and 2,¹ which would decrease jurisdictional revenues by \$5.3 million per year based on actual costs for the twelve months ended July 31, 1977, as adjusted on an annual basis for the twelve months ended November 30, 1977. The proposed rate changes also reflect a reduction of \$37 million to eliminate the purchased gas cost surcharge permitted by Opinion No. 770-A. Trunkline states that the proposed rate changes are being tendered pursuant to Section 4 of the Natural Gas Act and the requirements of Section 154.38(d)(4) of the Commission's Regulations which governs purchased gas adjustment (PGA), provisions.² An effective date of December 1, 1977, is requested; and as required by the above cited regulation, Trunkline also states its agreement that the proposed changes shall be collected subject to

¹The tendered tariff sheets are listed in Appendix A to this order.

²Section 154.38(d)(4)(vi)(a) of the Regulations provides that:

[U]pon the expiration of 36 months after the effective date of the PGA clause the company shall file a tariff sheet(s) restating its base rates to establish a new Base Tariff Rate. The Company shall state its agreement that this filing will automatically be subject to refund concurrently with the filing at the end of the 36 months establishing a new Base Tariff Rate until an agreement is reached or a Commission determination is made. * * *

Trunkline's current base rates were accepted for filing by order issued May 15, 1974, in Docket No. RP74-89, and became effective on December 1, 1977. A settlement of that proceeding was approved by order issued July 9, 1975.

refund even if made effective without suspension on December 1, 1977. For the reasons stated below, the Commission shall accept the proposed changes for filing, permit them to become effective subject to refund on December 1, 1977, and set the matter for hearing.

Public notice of Trunkline's filing was issued on November 11, 1977, providing for protest or petitions to intervene to be filed on or before November 21, 1977.

Trunkline states that the proposed decreased rates reflect increased costs of operations and capital, offset by higher sales volumes, increased transportation revenues, and a decreased rate base. The filing includes a proposed overall rate of return of 10.21 percent including a return on equity of 13 percent on an equity component of 46.01 percent in the claimed capital structure.

Based upon a review of Trunkline's filing, the Commission finds that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept the proposed rates for filing, permit them to become effective subject to refund on December 1, 1977, upon motion by Trunkline in accordance with the provisions of the Natural Gas Act, and set the matter for hearing. Suspension of the proposed rate decrease is unnecessary because the rates are subject to refund under the requirements of Section 154.38(d)(4)(vi)(a) of the Regulations and Trunkline's recognition thereof.

In developing its proposed rates Trunkline has included costs and volumes related to certain facilities which have not been certificated as of the date of filing in this docket. Trunkline requests waiver of Section 154.63(e)(2)(ii) of the Commission's regulations to permit such inclusion. Trunkline anticipates receiving all necessary certifications prior to the time its proposed rates become effective. The Commission shall grant the requested waiver of its regulations provided, however, that if such facilities are not certificated and placed in service on or before December 31, 1977, Trunkline shall file revised tariff sheets which reflect exclusion of the costs associated with those facilities which have not been certificated and placed in service as of that date. Trunkline shall, also, submit supplemental cost and revenue data which reflect the elimination of such costs from its cost of service.

By order issued November 30, 1976, in Docket No. RP73-77, et al., Trunkline was authorized to include in its rates beginning December 1, 1976, a twelve-month surcharge to recover increases as a result of Opinion No. 770-A, in the costs of gas purchased from

July 27, 1976 through November 30, 1976. The rates proposed in this docket reflect elimination of that surcharge. In its filing of November 22, 1976, to put the surcharge into effect Trunkline stated that any over or under collections resulting from the surcharge at the end of the twelve-month collection period would be transferred to the Deferred Purchase Gas Cost Account No. 191 maintained under section 18.3 of the General Terms and Conditions of Trunkline's tariff. Therefore, Trunkline shall be ordered to supply a monthly reconciliation of the balances in its 770-A surcharge account and to make the transfer of any final imbalance in that surcharge account to the Deferred Purchase Gas Cost Account.

Finally, Trunkline proposed rates shown on Twelfth Revised Sheet No. 3-A apparently do not reflect the adjustment to its rates for a Deferred Purchased Gas Cost Account surcharge decrease of 3.61 cents per Mcf included in its current rates effective from August 1, 1977, as approved in Docket Nos. RP73-35 (PGA77-3) and RP74-89 (AP77-2). Therefore Trunkline shall be required to file a revision to twelfth revised sheet No. 3-A properly accounting for the currently effective surcharge decrease.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges set forth in the tariff sheets tendered by Trunkline on October 31, 1977, and listed in Appendix A to this order, and that the same be accepted for filing and permitted to become effective as hereinafter ordered and conditioned.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the rates proposed herein by Trunkline.

(B) Pending hearing and decision, the tariff sheets tendered by Trunkline on October 31, 1977, and listed in Appendix A to this order, are hereby accepted for filing and permitted to become effective subject to refund on December 1, 1977, upon motion filed by Trunkline in accordance with the provisions of the Natural Gas Act.

(C) The Commission staff shall prepare and serve top sheets on all parties on or before March 24, 1978.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the staff,

in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(E) Trunkline's request for waiver of Section 154.63(e)(2)(ii) of the Commission's regulations is hereby granted *Provided, however*, That Trunkline file revised tariff sheets and supplemental cost and revenue data to be effective on December 1, 1977, which shall reflect the exclusion of costs associated with facilities not certificated and placed in service as of December 31, 1977.

(F) Within thirty days Trunkline shall file a revision to its proposed Twelfth Revised Sheet No. 3-A to properly reflect its PGA Deferred Account Surcharge effective August 1, 1977, and a monthly reconciliation of its surcharge account for Opinion No. 770-A cost increases, which shows a transfer of any imbalance in that account to the Deferred Purchased Gas Cost Account.

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

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

APPENDIX A

FPC Gas Tariff, Original Volume No. 1

Twentieth Revised Sheet No. 3-A.
Fourth Revised Sheet No. 21-F.

FPC Gas Tariff, Original Volume No. 2

First Revised Sheet No. 214.
First Revised Sheet No. 468.
First Revised Sheet No. 469.
First Revised Sheet No. 499.
First Revised Sheet No. 500.
First Revised Sheet No. 527.
First Revised Sheet No. 528.
Sixth Revised Sheet No. 555.
First Revised Sheet No. 583.
First Revised Sheet No. 584.
Sixth Revised Sheet No. 608.
First Revised Sheet No. 637.
Third Revised Sheet No. 670.
First Revised Sheet No. 694.
First Revised Sheet No. 695.
First Revised Sheet No. 796.
First Revised Sheet No. 797.
First Revised Sheet No. 829.
First Revised Sheet No. 859.
First Revised Sheet No. 860.
First Revised Sheet No. 886.
First Revised Sheet No. 887.
First Revised Sheet No. 904.
First Revised Sheet No. 912.
First Revised Sheet No. 913.
First Revised Sheet No. 937.
First Revised Sheet No. 938.
First Revised Sheet No. 976.
First Revised Sheet No. 977.
First Revised Sheet No. 1010.

First Revised Sheet No. 1011.
First Revised Sheet No. 1105.1.
Second Revised Sheet No. 1106.
First Revised Sheet No. 1142.
First Revised Sheet No. 1143.
First Revised Sheet No. 1194.
First Revised Sheet No. 1262.
First Revised Sheet No. 1263.
First Revised Sheet No. 1301.
First Revised Sheet No. 1302.

[FR Doc. 77-35094 Filed 12-7-77; 8:45 am]

[6740-02]

[Docket No. ER78-62]

VERMONT ELECTRIC POWER CO., INC.

Notice of Rate Schedule Filing

NOVEMBER 30, 1977.

Take notice that on November 21, 1977, Vermont Electric Power Co., Inc. (Velco), tendered for filing a Rate Schedule for the sale of 38,000 kilowatts of capacity and related energy from the Vermont Yankee Nuclear Electric Generating Unit in Vernon, Vt. dated as of September 1, 1977.

Velco states that the service to be rendered under this Rate Schedule consists of the sale of 38,000 kilowatts capacity and related energy from the Vermont Yankee Unit to Public Service Co. of New Hampshire for a 12 month period commencing October 31, 1977, and ending on October 31, 1978, for the delivery of about 21,200,000 KWH per month for an estimated charge of \$350,000 per month. Velco further states that the Vermont Yankee power being sold to Public Service Co. of New Hampshire will be at its cost to Velco, and that there will be no change in the overall rate of return of Velco.

Velco requests a waiver of the timely filing requirements of the Commission to allow an effective date of November 1, 1977. Velco indicates that there will be no effect upon purchasers of Velco power under other rate schedules, if the waiver is granted.

According to Velco copies of this filing were served upon the Vermont Public Service Board, the New Hampshire Public Utilities Commission, and the parties to the Rate Schedule.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with 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 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-35095 Filed 12-7-77; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

REEVES BANCSHARES, INC.

Formation of Bank Holding Company

Reeves Bancshares, Inc., Gould, Okla., 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 First State Bank, Gould, Oklahoma, Gould, Okla. 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 Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 27, 1977.

Board of Governors of the Federal Reserve System, December 1, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary
of the Board.

[FR Doc. 77-35055 Filed 12-7-77; 8:45 am]

[6210-01]

SUTTON AGENCY, INC.

Formation of Bank Holding Company

Sutton Agency, Inc., Sutton, Nebr., 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 per cent (less directors' qualifying shares) of the voting shares of City State Bank, Sutton, Nebr. 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 Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 26, 1977.

Board of Governors of the Federal Reserve System, November 30, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary
of the Board.

[FR Doc. 77-35056 Filed 12-7-77; 8:45 am]

[6210-01]

CALCON BANCSHARES, INC.**Formation of Bank Holding Company**

Calcon Bancshares, Inc., Callao, Mo., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Callao Community Bank, Callao, Mo. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Calcon Bancshares, Inc., Callao, Mo., has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire S&D Insurance Agency, Callao, Mo., a sole proprietorship. Notice of the application was published on October 6, 1977, in Macon Chronicle-Herald, a newspaper circulated in Callao, Mo.

Applicant states that the proposed subsidiary would engage in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Callao Community Bank. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 31, 1977.

Board of Governors of the Federal Reserve System, December 2, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-35110 Filed 12-7-77; 8:45 am]

[6210-01]

COMMUNITY STATE AGENCY, INC.**Request for Determination and Notice
Providing Opportunity for Hearing**

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1841(g)(3)) ("the Act"), by Community State Agency, Inc., Bloomington, Ind. ("Agency"), for a determination that following the transfer by Agency of the assets, properties, and business of a casualty insurance business owned and operated by Agency, to Clifford R. Jerpak ("Purchaser"), Agency will not in fact be capable of controlling Purchaser notwithstanding that Purchaser is the president and principal shareholder of Agency.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or any company which but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor, unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

Notice is hereby given, that, pursuant to section 2(g)(3) of the Act, an opportunity is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than December 30, 1977. If a request for oral hearing is filed, each request should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony. The Board subsequently will designate a time and place for any hearing it orders, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

Board of Governors of the Federal Reserve System, December 2, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-35111 Filed 12-7-77; 8:45 am]

[6210-01]

OTTO BREMER CO.**Acquisition of Bank**

Otto Bremer Co., St. Paul, Minn., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire direct or indirect ownership, control or power to vote, 21.77 percent or more of the voting shares of Dakota Bankshares, Inc., Fargo, N. Dak. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 30, 1977.

Board of Governors of the Federal Reserve System, December 2, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-35112 Filed 12-7-77; 8:45 am]

[4110-12]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE****ANNOUNCES A CONFERENCE ON
REGULATIONS IN PLAIN ENGLISH**

CROSS REFERENCE: The text regarding the above-mentioned subject jointly issued by the Office of the Federal Register, is printed under the Office of the Federal Register in the Notices section of this FEDERAL REGISTER as FR Doc. 77-35315.

Refer to the table of contents under the Federal Register Office for the page number of that document.

[4210-01]

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT****Office of Assistant Secretary for Community
Planning and Development**

[Docket No. N-77-822]

**LARGE CITY AND URBAN COUNTY
COMPREHENSIVE PLANNING ASSISTANCE
(701)****Funding Limitation for FY 1978**

SUMMARY: This notice sets forth limitations on FY 1978 funding for large cities and urban counties under the Comprehensive Planning Assistance (701) program authorized under 68 Stat 590, 640; 40 U.S.C. 461.

**FOR FURTHER INFORMATION
PLEASE CONTACT:**

Barbara Dorf, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6226.

The Department of Housing and Urban Development FY 1978 Comprehensive Planning Assistance (701) budget estimate did not include funding for large cities (cities having a population of 50,000 or more) and urban counties. The Committee of Conference making appropriations for the Department of Housing and Urban Development for the fiscal year ending September 30, 1978 agreed that, "the Department of Housing and Urban Development should not deviate from its budget estimate with regard to providing Comprehensive Planning grants directly to urban counties and cities with populations in excess of 50,000".

Accordingly, notice is hereby given that Comprehensive Planning Assistance grants will not be awarded either directly or indirectly under the provisions of 24 CFR 600.25 (b), (c) and (d) and the voluntary agreement provisions of 24 CFR 600.120(j), to large cities and urban counties in fiscal year 1978. Large cities and urban counties may continue to receive technical assistance from States pursuant to § 600.115(b) and areawide planning organizations pursuant to 24 CFR 600.37. Grants may be made to large cities and urban counties having special needs pursuant to 24 CFR 600.50.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A finding that this notice is not subject to inflation impact statement requirements has also been made in accordance with HUD procedures. A copy of these findings will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5216, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

(Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

This notice becomes effective on December 8, 1977.

Issued at Washington, D.C., December 1, 1977.

ROBERT C. EMBRY, Jr.,
Assistant Secretary for Community Planning and Development

[FR Doc. 77-35117 Filed 12-7-77; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-05278]

IDAHO

Partial Termination of Proposed Withdrawal and Reservation of Lands

DECEMBER 1, 1977.

Notice of an application, serial number I-05278, for withdrawal and reservation of lands was published as FR Doc. No. 58-5832 on page 5801 of the issue for July 31, 1958. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 10:00 a.m. on January 6, 1978 relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN

BOISE NATIONAL FOREST

T. 13 N., R. 3 E.

Sec. 25, SW¼NE¼.

The area described aggregates 40 acres in Valley County.

VINCENT S. STROBEL,
Chief,
Branch of L&M Operations.

[FR Doc. 77-35066 Filed 12-7-77; 8:45 am]

[4310-84]

[Colorado 25359-L]

METER STATION SITE

R/W Application; Correction

NOVEMBER 29, 1977.

In F.R. Doc. 77-3324 appearing on page 59425 in the issue of Thursday, November 17, 1977, the Colorado serial number covering the notice was incorrectly stated as Colorado 25379L. It should have been Colorado 25359L which is the correct serial number for the applicant's East Douglas Creek Gathering System.

Dated: November 29, 1977.

ANDREW W. HEARD, Jr.,
Leader, Craig Team
Branch of Adjudication.

[FR Doc. 77-35063 Filed 12-7-77; 8:45 am]

[4310-84]

[Colorado 25122 F and 25379 E]

NORTHWEST PIPELINE CORP.

Pipeline Applications

Pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as

amended (30 U.S.C. 185), Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110, has applied for rights-of-way for natural gas pipelines for the Foundation Creek and Trail Canyon Gathering Systems in Rio Blanco County, Colo.

The above-named systems are comprised of .948 miles of 4½" o.d. natural gas pipeline across the following public lands:

6TH P.M.

RIO BLANCO COUNTY, COLORADO

T. 4 S., R. 102 W., 6th P.M.

Sec. 9: SE¼NE¼

Sec. 16: SE¼SW¼

Sec. 21: Lots 2-4, E¼NW¼

Sec. 28: Lots 4 and 7 T. 4 S., R. 101 W.

Sec. 12: SW¼NW¼

The proposed systems will enable the applicant to expand its natural gas gathering and transportation systems and thereby meet the demands of its customers.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the applications should or should not be approved and, if so, under what terms and conditions; to allow all parties asserting claims to the lands or having bona fide objections to the proposed natural gas pipeline rights-of-way to file their claims and/or objections in this office. All comments, claims, and objections must be identified with the specific lands involved by Township and Range and portions thereof along with the name and number of this right-of-way.

Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 77-35064 Filed 12-7-77; 8:45 am]

[4310-84]

[Colorado 26059]

NORTHWEST PIPELINE CORP.

Application

NOVEMBER 30, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest

Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for a cathodic protection site and rectifier pole in Lot 11, Sec. 6, T. 8 S., R. 102 W., 6th P.M., Garfield County, Colo. This facility is for the protection and safe operation of an existing natural gas pipeline system.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim or objections must be filed with the Leader, Canon City-Grand Junction Adjudication Team, Branch of Adjudication, Bureau of Land Management, Colorado State Office, room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

RODNEY A. ROBERTS,
Leader, Canon City-Grand Junction Team, Branch of Adjudication

[FR Doc. 77-35065 Filed 12-7-77; 8:45 am]

[4310-84]

[Wyoming 61577]

WYOMING

Application

NOVEMBER 28, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo., filed an application for a right-of-way to construct a 4½ inch O. D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 95 W.,
Sec. 26, S½NE¼.

The pipeline will transport natural gas produced from the Diamond Shamrock Federal No. 32-26 Well located in the NE¼ of Section 26, T. 20 N., R. 95 W., to Colorado Interstate Gas Co.'s existing pipeline facilities located in the NE¼ of Section 25, T. 20 N., R. 95 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will

be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-35067 Filed 12-7-77; 8:45 am]

[4310-84]

[N-18104]

NEVADA

Notice of Application

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Chadeo, Inc. has applied for 3-inch oil gathering pipeline right-of-way across the following lands:

T. 9 N., R. 56 E.,
Sec. 24, NE¼NW¼, S¼NW¼, NW¼SW¼.

This pipeline will convey crude oil across 2,890.12 feet of public land in Nye County, Nevada.

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 District Manager, Bureau of Land Management, P.O. Box 194, Battle Mountain, Nevada 89820.

WM. J. MALENCIK,
Chief,
Division of Technical Services.

[FR Doc. 77-35119 Filed 12-7-77; 8:45 am]

[4310-84]

[Wyoming 61536]

WYOMING

Notice of Application

DECEMBER 2, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Co. of Oklahoma City, Okla. filed an application for a right-of-way to construct a 4-inch pipeline and a 6-inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING
T. 18 N., R. 96 W.,

Secs. 2, 14, 24, 26 and 34.
T. 19 N., R. 96 W.,
Secs. 14 and 26.

The 4-inch pipeline will extend from the Champlin 256 A-1 Well in the NE¼SW¼ of Section 3, T. 17 N., R. 96 W., to the Champlin 267 A-1 Well in the SW¼ of Section 13, T. 18 N., R. 96 W.; the 6-inch pipeline will extend from the Champlin 267 A-1 Well in the SW¼ of Section 13 to connect with Colorado Interstate Gas Co.'s existing pipeline in Section 2, T. 19 N., R. 96 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-35120 Filed 12-7-77; 8:45 am]

[4310-70]

National Park Service

[INT DES 77-36]

PROPOSED DEVELOPMENT CONCEPT PLAN, GIANT FOREST/LODGEPOLE, SEQUOIA AND KINGS CANYON, CALIF.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for the proposed Development Concept Plan, Giant Forest/Lodgepole, Sequoia and Kings Canyon, Calif.

The statement considers the removal of facilities from Giant Forest, development of a new lodging center and wastewater treatment plant at Clover Creek, construction of a day-use parking and transit facility at Wolverton Corral, and reorganization of the campground and employee housing at Lodgepole.

Written comments on the environmental statement are invited and will be accepted on or before January 8, 1978. Comments should be addressed to the Superintendent, Sequoia and Kings Canyon National Parks.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

Los Angeles Field Office, New Federal Building, room 1013, Los Angeles, Calif. 90012.

Superintendent, Sequoia and Kings Canyon National Parks, Three Rivers, Calif. 93271.

Dated: November 21, 1977.

DAVID USHIO,
Acting Deputy Assistant
Secretary of the Interior.

[FR Doc. 77-35057 Filed 12-7-77; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[TA-201-28]

HIGH-CARBON FERROCHROMIUM

Report to the President

DECEMBER 1, 1977.

To the President:

In accordance with section 201(d)(1) of the Trade Act of 1974 (19 U.S.C. 2251(d)(1)), the U.S. International Trade Commission herein reports the results of an investigation relating to high-carbon ferrochromium.

The investigation (Investigation No. TA-201-28), was undertaken to determine whether ferrochromium, containing over 3 percent by weight of carbon, provided for in item 607.31 of the Tariff Schedules of the United States (TSUS), is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

The Commission instituted the investigation under the authority of section 201(b)(1) of the Trade Act on July 11, 1977, following receipt on July 1, 1977, of a petition for import relief filed by the Committee of Producers of High Carbon Ferrochrome.

Notice of the institution of the investigation and of the public hearing to be held in connection therewith was issued on July 12, 1977, and notice of the time and place of the hearing was issued on September 16, 1977. The notices were posted at the Commission's offices in Washington, D.C., and New York and were published in the FEDERAL REGISTER on July 18, 1977 (42 FR 36896), and September 22, 1977 (42 FR 47890), respectively. The public hearing was held on October 11 and 12, 1977, in Pittsburgh, Pa.

The information for this report was obtained from fieldwork and interviews by members of the Commission's staff, from other Federal agencies, from responses to the Commission's questionnaires, from information presented at the public hearing, from briefs submitted by interested parties, and from the Commission's files.

A transcript of the hearing and copies of briefs submitted by interested parties in connection with the investigation are attached.¹

There were no imports of ferrochromium, containing over 3 percent by weight of carbon, from countries whose imports are presently subject to the rates of duty set forth in column 2 of the TSUS. The import relief recommended herein, therefore, is not addressed to imports from such countries. Certain recommended relief measures would involve the imposition of rates of duty on imports from countries whose imports are currently subject to rates of duty in column 1 which are higher than the rates set forth in column 2. Should such recommended, or any other, rates of duty higher than the column 2 rates be proclaimed by the President, it would be necessary for him to conform column 2 by proclaiming rates therefor that are not less than those proclaimed for column 1.²

DETERMINATIONS, FINDINGS, AND RECOMMENDATIONS OF THE COMMISSION

On the basis of its investigation, the Commission determines³ that ferrochromium, containing over 3 percent by weight of carbon, provided for in item 607.31 of the Tariff Schedules of the United States, is being imported into the United States in such increased quantities as to be a substantial cause of the threat of serious injury to the domestic industry producing an article like or directly competitive with the imported article.

FINDINGS AND RECOMMENDATIONS

Commissioners Minchew,⁴ Moore, and Bedell find and recommend that—

The imposition of rates of duty as follows, in addition to the existing column 1 rate of duty, is necessary to prevent the threatened serious injury:

Ferrochromium, containing over 3 percent by weight of carbon, classifiable under item 607.31 of the TSUS:

1st year—30% ad val.

¹ Attached to the original report sent to the President. These materials are available for inspection at the U.S. International Trade Commission, except for material submitted in confidence.

² See Article I, General Agreement on Tariffs and Trade (Basic Instruments and Selected Documents, vol. IV, March 1969), and General Headnote 4, Tariff Schedules of the United States (19 U.S.C. 1202).

³ Commissioners Moore, Bedell, and Ablondi determine in the affirmative, Commissioner Minchew determines in the negative, and Commissioners Parker and Alberger did not participate.

⁴ Commissioner Minchew, noting that the Commission has made an affirmative determination, has made a recommendation of remedy.

2d year—30% ad val.
3d year—25% ad val.
4th year—20% ad val.
5th year—20% ad val.

Commissioner Ablondi finds and recommends that—

The imposition of rates of duty as follows, in addition to the existing column 1 rate of duty, is necessary to prevent the threatened serious injury:

Ferrochromium containing over 3 percent by weight of carbon, classifiable under item 607.31 of the TSUS:

1st year—8% ad val.
2d year—8% ad val.
3d year—8% ad val.

VIEWS OF COMMISSIONERS GEORGE M. MOORE, CATHERINE BEDELL, AND ITALO H. ABLONDI

On July 11, 1977, following receipt of a petition from the Committee of Producers of High Carbon Ferrochrome, the U.S. International Trade Commission instituted an investigation to determine whether high-carbon ferrochromium, provided for in item 607.31 of the Tariff Schedules of the United States (TSUS), is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Section 201(b)(1) of the Trade Act requires that each of the following criteria be met if the Commission is to make an affirmative determination in this investigation and thus find a domestic industry eligible for import relief:

(1) Imports of the article concerned are entering the United States in increased quantities (either actual or relative to domestic production);

(2) The domestic industry producing an article like or directly competitive with the imported article is being seriously injured or threatened with serious injury; and

(3) Increased imports are a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article concerned.

DETERMINATION

On the basis of the evidence developed during this investigation, we have determined that high-carbon ferrochromium, provided for in item 607.31 of the TSUS, is being imported into the United States in such increased quantities as to be a substantial cause of the threat of serious injury to the domestic industry producing an article like or directly competitive with the imported article.

By order of the Commission.

KENNETH R. MASON,
Secretary.

DECEMBER 5, 1977.

[FR Doc. 77-35143 Filed 12-7-77; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Attorney General

CINCINNATI, OHIO

Joint Newspaper Operating Agreement

Notice that comments would be solicited until November 28, 1977, by the Department of Justice in accordance with the Newspaper Preservation Act, 15 U.S.C. 1801 et. seq. concerning an application for approval of a joint newspaper operating agreement involving the Cincinnati Enquirer, Inc., publisher of the Cincinnati Enquirer and the E. W. Scripps Co., publisher of the Cincinnati Post, was published in the FEDERAL REGISTER, 42 FR 56647 (October 27, 1977). A thirty day extension of time to file comments has been granted. The proposed arrangement provides that the printing, circulation, and sale of advertising for both newspapers will be handled by the Enquirer. Under the agreement, each newspaper is to retain control over its own editorial policies and news content. Any person who believes that the Attorney General should or should not approve the proposed arrangement may file written comments stating the reasons why approval should or should not be granted, or requesting that a hearing be held on the application. A request for a hearing must set forth the issues of fact to be determined and the reason that a hearing is believed to be required to determine them. Comments should be filed by mailing or delivering five copies to the Assistant Attorney General in charge of the Office of Management and Finance, Department of Justice, Washington, D.C. 20530, and must be received by December 28, 1977. Replies to any comments filed on or before that date may be filed on or before January 28, 1978.

Dated: December 1, 1977.

KEVIN D. ROONEY,
Assistant Attorney General
for Administration.

[FR Doc. 77-35070 Filed 12-7-77; 8:45 am]

[4410-01]

Bureau of Prisons

NATIONAL INSTITUTE OF CORRECTIONS
ADVISORY BOARD

Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Sunday, January 8, 1978, starting at 1 p.m. in the Conference room of the Federal Bureau of

Prisons (Room 500), H.O.L.C. Building, 320 First Street NW., Washington, D.C. 20534.

The primary purpose of this meeting is preparation of a recommendation to the Attorney General on the appointment of a Director for the National Institute of Corrections.

Signed at Washington, D.C., this 1st day of December 1977.

JOHN WALLACE,
Acting Director.

[FR Doc. 77-35046 Filed 12-7-77; 8:45 am]

[7590-01]

NUCLEAR REGULATORY
COMMISSION

[Docket Nos. 50-269, 50-270, 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating
Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 50, 50, and 47 to Facility Operating License Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Co. which revised the Technical Specifications for operation of the Oconee Nuclear Station, Unit Nos. 1, 2, and 3, located in Oconee County, S.C. The amendments are effective within 30 days after the date of issuance.

These amendments revise the Technical Specifications to allow operation of the Oconee Nuclear Station, (1) with one Keowee hydro unit out of service for periods not to exceed 72 hours or operation with the underground feeder out of service for periods not to exceed 72 hours, (2) with one Keowee hydro unit out of service from 72 hours up to a maximum of 45 days when the remaining Keowee unit and both the overhead and underground transmission circuits are operable and the standby buses are energized by one of the two Lee gas turbines, and (3) with both Keowee hydro units out of service for 72 hours for planned reasons or 24 hours for unplanned reasons. Revisions are also made to surveillance requirements of the Emergency Power System.

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 amend-

ments 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 the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated October 13, 1976, as supplemented September 29, 1977, (2) Amendment Nos. 50, 50, and 47 to License Nos. DPR-38, DPR-47 and DPR-55, respectively, 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 Oconee County Library, 201 South Spring Street, Walhalla, S.C. 29691. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 3d day of November 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 77-35053 Filed 12-7-77; 8:45 am]

[7590-01]

[Byproduct Material License No. 20-00302-02]

J. G. SYLVESTER ASSOCIATES, INC.

Order Convening Prehearing Conference

J. G. Sylvester Associates, Inc., 900 Hingham Street, Rockland, Mass. 02370, the Licensee holding Byproduct Material License No. 20-00302-02, has requested a hearing in reference to the proposed imposition of civil penalties.

The Licensee and the Regulatory Staff have determined that January 4, 1978 will be a convenient date for a prehearing conference to consider all matters undecided within the Commission's rules of practice for prehearing conferences, including identification of issues, preparation of evidence, discovery requests, and a date for an evidentiary hearing.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Nuclear Regulatory Commission, that a prehearing conference shall convene at 10:30 a.m. on Wednesday, January 4, 1978 in Room 1900-A of the John F. Kennedy Building, Government Center, Cambridge Street and New Sudbury, Boston, Mass.

Issued: December 5, 1977, Bethesda, Md.

For the Nuclear Regulatory Commission.

SAMUEL W. JENSCH,
Administrative Law Judge.

[FR Doc. 77-35054 Filed 12-7-77; 8:45 am]

[7590-01]

INUREG 75/087]

REVISION TO STANDARD REVIEW PLAN

Issuance and Availability

The Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation is implementing a program for updating the Standard Review Plan (SRP) for the NRC staff's safety review of applications to design, construct, and operate light-water-cooled nuclear powerplants. The purpose of the SRP, which is presently composed of 224 sections, is to improve both the quality and uniformity of the staff's review of applications for new nuclear powerplants, 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 1975 to reflect current practice. The updating program will be accomplished in two steps. The initial step will incorporate revisions that are primarily of an editorial and clarification nature, and will also include previously approved supplemental staff positions now being used in the licensing process. The next step will incorporate revisions now being developed and still pending management approval. It will also complete staff consideration of industry and other public comments received on the SRP since its original issuance. It is anticipated that the updating program will be completed in approximately 1 year. As revised SRP sections are prepared, they will be made available for distribution, singly or in groups.

As the initial issuance of SRP changes under this program, the NRC's Office of Nuclear Reactor Regulation has published Revision No. 1 to section No. 5.2.3 of the SRP.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, identified as NUREG 75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70, including 1st-year supplements. Annual subscriptions for supplements alone are

\$30. Individual sections are available at current prices. The domestic price for revision No. 1 to section No. 5.2.3 is \$4. 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 1st day of December 1977.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSO,
Director, Division of Systems
Safety, Office of Nuclear Reactor
Regulation.

[FR Doc. 77-35287 Filed 12-7-77; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-49]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aircraft Accident Report No. NTSB-AAR-77-8.—The National Transportation Safety Board on November 29 released its investigation report concerning the crash last January 6 of a Jet Avia, Ltd., Learjet LR24B, 22 miles northwest of Palm Springs, Calif.

Investigation indicated that the aircraft crashed in the mountains at an elevation of about 9,700 feet m.s.l., five minutes after departure from Palm Springs Municipal Airport en route to Las Vegas, Nev. The flight was operating in instrument meteorological conditions when the accident occurred. The aircraft was on an IFR clearance from Palm Springs, direct Twenty-nine Palms, and thence via the flight plan route. After takeoff from runway 30 the pilot did not turn toward Twenty-nine Palms as cleared, but maintained runway heading until crashing into the mountainside.

The Safety Board determined that the probable cause of the accident was the flightcrew's misinterpretation of the instrument flight rules clearance, and subsequent ATC instructions issued by the Palm Springs Departure Control. Contributing to the accident was the controller's failure to detect the aircraft's deviation from the route of flight contained in the ATC clearance and the flightcrew's failure to recognize their proximity to the high terrain.

Deficiencies in existing communications procedures identified in this investigation had been noted in a previous incident involving a near midair

collision between two air carrier aircraft and in other accidents. As a result of these investigations, the Safety Board last July 25 recommended that the Federal Aviation Administration require a controller who issues an altitude assignment, or a heading, to require the crew to read back the clearance—if the pilot fails to do so on his own. The Board also recommended that the FAA alert its personnel to the circumstances surrounding the Palm Springs accident in an effort to prevent any possible recurrence. (See 42 FR 39514, August 4, 1977, for recommendations A-77-52 and 53.)

Aircraft Accident Report No. NTSB-AAR-77-7.—The Safety Board has reconsidered its findings of probable cause on petition by the Air Line Pilots Association and has amended its investigation report, No. NTSB-AAR-74-15 issued November 8, 1974, on the crash of a Pan American World Airways Boeing 707 as it approached Pago Pago, American Samoa, January 30, 1974.

As a result of ALPA's petition filed May 6, 1976, the Safety Board reopened the accident investigation because of knowledge gained through other accidents after the original investigation. The aircraft's flight data recorder data, the cockpit voice recorder data, and the aircraft's engineering performance data were reevaluated extensively to determine more conclusively the effect of the existing environmental conditions on the pilot's ability to stabilize the aircraft's approach profile.

The revised report, adopted by the Board on October 6, 1977, by a three-to-one vote, reflects the findings of the reinvestigation. This report supersedes and replaces NTSB-AAR-74-15. Copies of the revised report were made available to the public on November 29.

The Boeing 707 was making an ILS approach at night when it crashed 3,865 feet short of runway 5 at Pago Pago International Airport. Of the 101 persons aboard the aircraft, only 5 survived the accident. One survivor died of injuries 9 days after the accident. The aircraft was destroyed by impact and fire.

The majority of the Board now determines that the probable cause of the accident was the flightcrew's late recognition and failure to correct in a timely manner an excessive descent rate which developed as a result of the aircraft's penetration through destabilizing wind changes. The winds consisted of horizontal and vertical components produced by a heavy rainstorm and influenced by uneven terrain close to the aircraft's approach path. The captain's recognition was hampered by restricted visibility, the illusory effects of a "blackhole" approach, inadequate monitoring of

flight instruments, and the failure of the crew to call out descent rate during the last 15 seconds of flight.

In disagreeing with the majority decision, Acting Safety Board Chairman Kay Bailey indicated that windshear—a change in wind velocity and/or direction—should be stated as a major factor in the cause of the accident. Acting Chairman Bailey stated in her dissenting opinion: "I believe we should look at the whole picture when determining probable cause. Our vision becomes too narrow when we adhere to the 'last possible chance to prevent the accident' as the only probable cause. In this case, the complete reasoning should begin with the fact that there was a windshear and then state the lack of proper reaction under the circumstances."

As a result of the Pago Pago accident investigation, three recommendations were issued by the safety Board to the Federal Aviation Administration at the time of release of the original report. These recommendations asked FAA to—

Amend 14 CFR 121.439 to require that a check airman (1) observe a pilot as he performs the three takeoffs and three landings specified for recent experience, and (2) certify that the pilot is qualified and proficient to return to his assigned status. In addition, the check airman should require a pilot to perform any maneuvers necessary to certify performance. (A-74-104)

Require Air Carrier Operations Inspectors to review and evaluate airport and route qualification programs to insure that all information is up to date, that company procedures are consistent with the published FAA procedures, and that obsolete procedural material is not included. (A-74-118)

Amend 14 CFR 139.55(b)(2) to prescribe minimum levels of medical service provisions similar to those provided for in Advisory Circular 150/5210.2 to insure that mass casualties resulting from an aircraft accident can be adequately handled and satisfactorily treated. (A-75-1)

These recommendations are reproduced in the revised report, as are FAA responses dated December 18, 1974, January 14, 1975, January 27, 1975, February 26, 1975, and March 12, 1976.

RESPONSES TO SAFETY RECOMMENDATIONS

Aviation: A-77- 3 and 4.—Federal Aviation Administration letter of November 16 is a followup to FAA's June 22 response (42 FR 36331, July 17, 1977) reporting on fuel system studies made on certain model Piper aircraft. FAA reports recent completion of ground and flight tests on the Piper PA-30 fuel system to determine whether air ingestion through a leaking ball check valve in the fuel selector can cause power interruption or stoppage. Tests were conducted with one ball check valve removed from the left fuel selector which allowed fuel

from the left outboard and inboard tanks to flow simultaneously. Fuel cell vent pressure and fuel inlet pressures to the engine were measured during these tests. Results showed that with an empty or partially empty outboard tank there is no tendency toward premature fuel starvation or power interruption through various flight maneuvers. FAA therefore plans no airworthiness directive action.

On the basis of this test program, FAA is conducting an analysis of the Piper PA-24-400 fuel system. Based on service experience and the similarity of the two systems, FAA believes that analysis results will be comparable to that of the PA-30. FAA considers actions on these recommendations complete.

Railroad: R-76-19.—Letter of November 16 from Auto-Train Corp. updates response of May 20, 1976 (41 FR 22428, June 3, 1976), to the recommended action of determining whether there is a systematic source of excessive heating of the wheels of the auto-carrying cars and if so taking immediate action to correct the condition.

Auto-Train now reports that "Templistik" paint is applied to all wheels, cars, and locomotives, which have "on-tread" type braking systems, and states that "the bi-level auto carrier fleet has gradually been converted from D-22 to ABD type brake schedule." Auto-Train also states: "While implementation of two (2) sections has not become a company policy, the train size limitation to 43 cars, along with speed reductions, has contributed to a safer operation which continues to be a matter of company policy."

Auto-Train notes that tests were performed with the assistance of WABCO at Sanford, Fla., on May 25 and 26, and June 17, 1976. Remedial action was indicated, based on the following conclusions of testing: (1) Continued air brake system maintenance; (2) periodic single car testing; (3) water raising system isolation; and (4) conversion of bi-level carriers to ABD brake schedule. Auto-Train states that these four items have been implemented and are incorporated in day-to-day maintenance policies and have contributed to significant reductions in conditions which originally caused overheated wheels. WABCO and Auto-Train have just completed the final running tests and are awaiting results that may suggest further action.

Railroad: R-76- 42 through 44.—Pennsylvania Department of Transportation on November 18 responded to the Safety Board's November 8 inquiry (42 FR 60240, November 25, 1977) with respect to cab signals. The Department states: " * * * cab signals are no longer reliable, as a result of electronic 'advances in the art.' Boston, Cleveland, BART and others

have not found cab signals actuated electronically to be as reliable as track circuit block signals with relays."

The Department notes that recommendation R-76-42 would prohibit a train from departing a terminal with inoperative train control or cab signal for main track operation. The Department believes that it would be safer when automatic train control or cab signals are inoperative to require that the crew notify its supervisor. Supervision would then instruct it to proceed or tie up as track conditions dictate. The Department states: "if it is to proceed, the crew must be given a train order, reduced to writing over the telephone, as to the rule being followed. Such rules would provide strict procedures and discipline, but would avoid disastrous tie-ups, congestion, and resulting accident potential."

Recommendation R-76-43 called for development of a procedure to discharge passengers and remove trains from service immediately if they develop automatic train control problems or cab signal problems while en route. The Department has "no problem" with this recommendation, nor with recommendation R-76-44 asking that communication facilities adequate for dependable operational control be insured and that proper procedures are in effect to provide emergency warnings and instructions. The Department adds, with respect to R-76-44, "With good rules and strict discipline, utmost safety will be assured. Without strict discipline, there is no solution."

Railroad: R-76- 46 and 47.—These recommendations resulted from Board investigation of the rear-end collision of two commuter trains at New Canaan, Conn., July 13, 1976. The recommendations asked that the Connecticut Department of Transportation require the Consolidated Railroad Corp. to extend the automatic-block signal system to the end of the track at New Canaan so that the last signal will require the engineer to stop when that portion of the track is occupied (R-76-46), and to establish procedures until such signal protection can be provided to require that the engineer of each train approaching the New Canaan station be notified of the occupancy of the track between the last signal and the station and be authorized to pass the last signal, based upon that condition (R-76-47).

With reference to the initial response of July 30, 1976, from the Connecticut Department of Transportation (41 FR 34127, August 12, 1976), the Safety Board on November 4 inquired as to whether the recommended procedures were in operational status.

On November 15 the Department replied that it and the Metropolitan Transportation Authority, with fund-

ing from the Urban Mass Transportation Administration, have undertaken a project to modernize the signal system on the entire New Haven Line from Woodlawn Jct., N.Y., to New Haven including the New Canaan Branch. This project began in August 1973. At the present time the signal system for the New Canaan station area is still under design.

The Department further reports that until the modernized signal system, which will include an indication of track occupancy, is installed and in service, Conrail has instituted the following changes to the signal system: The fixed signal continually displaying a "restricting" aspect has been replaced with a fixed signal continually displaying a "stop and proceed" aspect. This requires the train to come to a complete stop before proceeding. The normal "stop and proceed" rule is modified to require the train to proceed at a speed no greater than five miles per hour from the signal to the station platform prepared to stop short of a train, obstruction or switch not properly lined. These changes were put into effect on August 9, 1976, the Department stated.

SAFETY BOARD RECOMMENDATION- RESPONSE-FOLLOWUP LETTERS

Additional inquiries have recently been directed by the Safety Board to recommendation addressees regarding implementation of these recommendations:

Highway: H-77- 7 and 8.—Board letter of November 18 to the U.S. Department of the Interior acknowledges Interior's response of October 14, 1977, concerning the stone retaining wall which serves as a traffic barrier on the George Washington Memorial Parkway in Virginia. (See 42 FR 57578, November 3, 1977.) The Safety Board wishes to be kept informed of the outcome of Interior's discussions with the Federal Highway Administration concerning the safety aspects of traffic barrier design within the National Park System.

Pipeline: P-77-4.—Board letter of November 18 to Materials Transportation Bureau, U.S. Department of Transportation, acknowledges response of September 30 to the recommendation that asked MTB to encourage, coordinate, and monitor development of equipment to detect the location of sinkholes in the vicinity of underground utilities. (See 42 FR 55959, October 20, 1977.)

The Safety Board understands MTB's limitation on research funds for pipeline safety and had not anticipated that MTB would be able to undertake such research itself. The Board is pleased to learn, however, that the UGI Corporation and others are doing such research and develop-

ment on early identification of sinkholes near underground utilities, and hopes, as intended by the recommendation, that MTB will continue to encourage, coordinate, and monitor these and other efforts, since the Board is certain that the problem of underground utilities and sinkholes is not unique to the Allentown area.

Railroad: R-75-32.—Board letter of November 17 refers to Federal Railroad Administration's initial response of November 6, 1975 (40 FR 52890, November 20, 1975), reporting the publication on August 11, 1975, at 40 FR 33682 of an advance notice of proposed rulemaking regarding the use of radios for rearward movement of trains.

The Safety Board's November 17 inquiry indicates that the thrust of R-75-32 was directed toward affording unimpaired visibility to the rear and sides of the train for any employee directing the rearward movement of the train. Upon reviewing new Part 220, Radio Standards and Procedures, which amended Chapter II, Title 49 of the Code of Federal Regulations, the Board noted that the subject of radio installation at the leading platform had not been embodied in the new regulation. This lack of visibility was considered to be a critical factor in the accident to which the report relates, namely, the collision of a Southern Railway work train with a Polk District schoolbus at Aragon, Ga., October 23, 1974. The Board's concern is that § 220.49 does not contain appropriate reference to visibility afforded the employee who is directing the rearward movement.

The Board asks FRA's assistance in clarifying whether new Part 220 adequately addresses this problem or whether a further amendment is contemplated.

Railroad: R-76- 48 and 49.—Also concerning recommendations resulting from the New Canaan collision, the Safety Board on November 15 referred to a letter dated November 9, 1976, from the Bureau of Public Transportation, Connecticut Department of Transportation, which provided the Board with a progress report indicating that a study was being made of emergency door opening controls and that instruction and demonstration classes were being conducted for emergency rescue units located on the New Haven Line. The Safety Board wishes to know the current status of these programs.

NOTE.—The above notice summarizes Safety Board documents and correspondence and recommendation response letters recently received.

Copies of the full text of response letters and Board correspondence may be obtained at a cost of \$4 for service and 10¢ per page for reproduction.

Single copies of aircraft accident reports Nos. NTSB-AAR-77-7 and NTSB-AAR-77-8 may be obtained from the Safety Board

without charge; multiple copies may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

All requests to the Board for copies must be in writing, identified by the report or recommendation number and the date of publication of this notice in the *FEDERAL REGISTER*. Address requests 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.

DECEMBER 5, 1977.

[FR Doc. 77-35145 Filed 12-7-77; 8:45 am]

[4910-58]

[Docket No. DCA-78-AR-007]

RAILROAD ACCIDENT; PENSACOLA, FLA.

Accident Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9 a.m. (local time), on Monday January 9, 1978, in the El Toro/El Matador Rooms of the Sheraton Inn, 224 East Garden Street, Pensacola, Fla.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving the derailment of Louisville & Nashville Railroad Co. freight train No. 407, at Pensacola, Fla., on November 9, 1977, and subsequent puncture of tank cars of Anhydrous Ammonia resulting in fatality and injuries.

KAY BAILEY,
Chairman of board of inquiry.

NOVEMBER 30, 1977.

[FR Doc. 77-35146 Filed 12-7-77; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

FEDERAL PROCUREMENT INSTITUTE POLICY BOARD

Meeting

Pursuant to Pub. L. 93-400, the Administrator for Federal Procurement Policy hereby gives notice of a meeting of the Federal Procurement Institute Policy Board to be held in room 2008, New Executive Office Building, 726 Jackson Place NW., on December 13, 1977, at 9 a.m.

The purpose of the meeting is to review the fiscal years 1978 and 1979

programs of the Federal Procurement Institute.

LESTER A. FETTING,
Administrator for Federal
Procurement Policy.

[FR Doc. 77-35127 Filed 12-7-77; 8:45 am]

[7905-01]

RAILROAD RETIREMENT BOARD

PROCLAMATION REGARDING

Railroad Unemployment Insurance Account

Pursuant to section 8(a) of the Railroad Unemployment Insurance Act, the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the railroad unemployment insurance account as of the close of business September 30, 1977, was \$46,167,868.94. Based on this balance and pursuant to the table in section 8(a) of the Railroad Unemployment Insurance Act, the contribution rate to finance the railroad unemployment insurance program for calendar year 1978 shall be 8.0 percent.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Ill., this 30th day of November 1977.

C. J. CHAMBERLAIN,
Member.
EARL OLIVER,
Member.

By the Railroad Retirement Board.

R. F. BUTLER,
Secretary of the Board.

[FR Doc. 77-35071 Filed 12-7-77; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1384; Amdt. 2]

WASHINGTON

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 56991), and Amendment No. 1 (see 42 FR 59153), are amended by adding Benton, Okanogan, and Yakima counties and adjacent counties within the State of Washington, under the designated counties for dry wells; the time for filing applications is extended to January 25, 1978, for physical damage and August 25, 1978, for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: December 1, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc. 77-35106 Filed 12-7-77; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 77-219]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from May 11, 1977 to September 13, 1977 (List No. 18-77). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

The Ocean Science and Engineering, Inc., 1601 Water Street, Long Beach, Calif. 90802, no longer manufactures certain lifeboat winches and Approval No. 160.015/100/1 was terminated effective September 13, 1977.

Marine Buoyant Device

The Red Head Brand Corp., 4100 Platinum Way, Dallas, Tex. 75237, Approval Nos. 160.064/30/0, 160.064/31/0 and 160.064/32/0 expired and were terminated effective May 11, 1977.

The Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Tex. 75237, Approval Nos. 160.064/47/0, 160.064/48/0, 160.064/49/0 and 160.064/50/0 expired and were terminated effective May 11, 1977.

The Red Head Brand Corp., 4100 Platinum Way, Dallas, Tex. 75237, Approval No. 160.064/89/0 expired and was terminated effective May 11, 1977.

Dated: Dec. 1977.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant
Marine Safety.

[FR Doc. 77-35153 Filed 12-7-77; 8:45 am]

[4910-14]

[CGD 77-220]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from September 19, 1977, to September 22, 1977 (List No. 20-77). These actions were taken in accordance with the procedures set forth in 45 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

LIFEBOATS

The Lake Shore, Inc., Welin Boat & Davit Division, P.O. Box 809, Iron Mountain, Mich. 49801, no longer manufactures certain lifeboats and Approval Nos. 160.035/416/1 and 160.035/417/3 were terminated effective September 21, 1977, and Approval Nos. 160.035/468/1 and 160.035/476/1 were terminated effective September 22, 1977.

The Wellin Davit and Boat Division, Lake Shore, Inc., 3614 Kennedy Road, South Plainfield, N.J. 07080, no longer manufactures certain lifeboats and Approval No. 160.035/428/3 was terminated effective September 21, 1977, and Approval No. 160.035/470/0 was terminated effective September 22, 1977.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

The K W S Co., 67 Trevarno Road, Livermore, Calif. 94550, Approval No. 164.009/156/0 expired and was terminated effective September 19, 1977.

Dated: December 2, 1977.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant
Marine Safety.

[FR Doc. 77-35154 Filed 12-7-77; 8:45 am]

[4910-14]

[ICGD 77-221]

EQUIPMENT, CONSTRUCTION, AND MATERIAL

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from August 26, 1977, to September 20, 1977 (List No. 19-77). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Approval No. 160.011/7/1, ammonia gas mask, Model 677-1, Bureau of Mines Approval No. BM-14F-55, consisting of BM-14F-55 canister, BM-1418 canister harness, and BM-1418A facepiece with BM-1418A head harness, manufactured by Scott Aviation, Acme Products, 1201 Kalamazoo Street, South Haven, Mich. 49090, effective August 26, 1977. (It is an extension of Approval No. 160.011/7/1 dated September 25, 1972.)

LIFE FLOATS FOR MERCHANT VESSELS

Approval No. 160.027/40/5, 4.17' x 3.0' (8" x 8 1/2" body section) rectangular life float, fibrous glass, reinforced neoprene latex shell with unicellular plastic foam core, or, alternate construction of unicellular plastic foam core, wrapped with waterproof vinyl coated cotton tape and sealed with fire retardant urethane coatings, 6-person capacity, identified by dwg. No. 4 LF revised July 23, 1974, dwg. No. 4 LF Supplement dated July 29, 1977 (to show alternate platform construction), specification dated July 23, 1974, and Material, Manufacture, and Assembly Description for Alternate Aluminum Platform dated July 29, 1977, manufactured by the Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, effective September 14, 1977. (It supersedes Approval No. 160.027/40/4 dated July 24, 1974 to show alternate platform construction.)

Approval No. 160.027/41/5, 6.17' x 3.67' (10" x 9 1/4" body section) rectangular life float, fibrous glass, reinforced neoprene latex shell with unicellular plastic foam core, or, alternate construction of unicellular plastic foam core, wrapped with waterproof vinyl coated cotton tape and sealed with fire retardant urethane coatings, 12-person capacity, identified by dwg. No. 4 LF revised July 23, 1974, dwg. No. 4 LF Supplement dated July 29, 1977 (to show alternate platform construction), specification dated July 23, 1974, and Material, Manufacture, and Assembly Description for Alternate Aluminum platform dated July 29, 1977, manufactured by the Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, effective September 14, 1977. (It supersedes Approval No. 160.027/41/5 dated July 24, 1974 to show alternate platform construction.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/213/0, type MRD 8.0 gravity davit and launching cradle; approved for a maximum working load of 17,700 lbs. per set (8,850 lbs. per davit head) using single-part falls; identified by general arrangement drawing F103185, revision A dated March 21, 1977, and drawing list

D402520, undated, manufactured by Watercraft America, Inc., P.O. Box 307, Mims, Fla. 32754, effective September 6, 1977.

LIFEBOATS

Approval No. 160.035/475/1, 26.25' x 8.85' x 3.6' fibrous glass reinforced plastic (FRP), totally enclosed (covered), motor-propelled lifeboat, without radio cabin or searchlight (Class 1), 44-person capacity, identified by general arrangement dwg. No. 8EL-101 Rev. 7 dated March 11, 1977, and 8 meter enclosed lifeboat approved drawing list dated July 21, 1977, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"=6,600 pounds; Condition "B"=14,797 pounds, manufactured by Watercraft America Inc., P.O. Box 307, Mims, Fla. 32754, effective September 1, 1977. (It supersedes Approval No. 160.035/475/0 dated February 13, 1975, to show effect of modifications.)

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

Approval No. 160.047/327/0, adult, Model AK-1, Style GL-300, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 153, Type II PFD, manufactured by Gladding-Style Crafters, Division of Gladding Corp., P.O. Box 8277, Station A, Greenville, S.C. 29604, effective September 1, 1977. (It is an extension of Approval No. 160.047/327/0 dated November 2, 1972.)

Approval No. 160.047/328/0, child medium, Model CKM-1, Style GL-320, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 153, Type II PFD, manufactured by Gladding-Style Crafters, Division of Gladding Corp., P.O. Box 8277, Station A, Greenville, S.C. 29604, effective September 1, 1977. (It is an extension of Approval No. 160.047/328/0 dated November 2, 1972.)

Approval No. 160.047/329/0, child small, Model CKS-1, Style GL-310, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 153, Type II PFD, manufactured by Gladding-Style Crafters, Division of Gladding Corp., P.O. Box 8277, Station A, Greenville, S.C. 29604, effective September 1, 1977. (It is an extension of Approval No. 160.047/329/0 dated November 2, 1972.)

Approval No. 160.047/330/0, adult, Model AK-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 126, Type II PFD, manufactured by Crawford Manufacturing Co., Inc., 3rd and

Decatur Streets, Richmond, Va. 23212, effective September 1, 1977. (It is an extension of Approval No. 160.047/330/0 dated November 2, 1972.)

Approval No. 160.047/331/0, child medium, Model CKM-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 126, Type II PFD, manufactured by Crawford Manufacturing Co., Inc., 3rd and Decatur Streets, Richmond, Va. 23212, effective September 1, 1977. (It is an extension of Approval No. 160.047/331/0 dated November 2, 1972.)

Approval No. 160.047/332/0, child small, Model CKS-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 126, Type II PFD, manufactured by Crawford Manufacturing Co., Inc., 3rd and Decatur Streets, Richmond, Va. 23212, effective September 1, 1977. (It is an extension of Approval No. 160.047/332/0 dated November 2, 1972.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.152/128/1, adult, Model FM300, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 153, Type II PFD, manufactured by Gladding-Style Crafters, Division of Gladding Corp., P.O. Box 8277, Station A, Greenville, S.C. 29604, effective September 1, 1977. (It is an extension of Approval No. 160.052/128/1 dated November 2, 1972.)

Approval No. 160.052/129/1, child medium, Model FM320, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 153, Type II PFD, manufactured by Gladding-Style Crafters, Division of Gladding Corp., P.O. Box 8277, Station A, Greenville, S.C. 29604, effective September 1, 1977. (It is an extension of Approval No. 160.052/129/1 dated November 2, 1972.)

Approval No. 160.052/130/1, child small, Model FM310, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 153, Type II PFD, manufactured by Gladding-Style Crafters, Division of Gladding Corp., P.O. Box 8277, Station A, Greenville, S.C. 29604, effective September 1, 1977. (It is an extension of Approval No. 160.052/130/1 dated November 2, 1972.)

Approval No. 160.052/277/1, adult, Model SFM300, non-standard vinyl dipped unicellular plastic foam buoyant vest, manufactured in accordance

with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 153, Type II PFD, manufactured by Gladding-Style Crafters, Division of Gladding Corp., P.O. Box 8277, Station A, Greenville, S.C. 29604, effective September 1, 1977. (It is an extension of Approval No. 160.052/277/1 dated November 2, 1972.)

Approval No. 160.052/278/1, child medium, Model SFM320, non-standard vinyl dipped unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 153, Type II PFD, manufactured by Gladding-Style Crafters, Division of Gladding Corp., P.O. Box 8277, Station A, Greenville, S.C. 29604, effective September 1, 1977. (It is an extension of Approval No. 160.052/278/1 dated November 2, 1972.)

Approval No. 160.052/279/1, child small, Model SFM310, non-standard vinyl dipped unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 153, Type II PFD, manufactured by Gladding-Style Crafters, Division of Gladding Corp., P.O. Box 8277, Station A, Greenville, S.C. 29604, effective September 1, 1977. (It is an extension of Approval No. 160.052/279/1 dated November 2, 1972.)

Approval No. 160.052/347/0, child small, Model LVCS-100, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 124, Type II PFD, manufactured by the Carlon Products Co., 1 New Haven Avenue, Derby, Conn. 06418, effective September 1, 1977. (It is an extension of Approval No. 160.052/347/0 dated November 2, 1972.)

Approval No. 160.052/348/0, child medium, Model LVCM-200, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 124, Type II PFD, manufactured by the Carlon Products Co., 1 New Haven Avenue, Derby, Conn. 06418, effective September 1, 1977. (It is an extension of Approval No. 160.052/348/0 dated November 2, 1972.)

Approval No. 160.052/349/0, adult, Model LVA-300, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 124, Type II PFD, manufactured by the Carlon Products Co., 1 New Haven Avenue, Derby, Conn. 06418, effective September 1, 1977. (It is an extension of Approval No. 160.052/349/0 dated November 2, 1972.)

Approval No. 160.052/359/0, adult, Model 521UV, non-standard unicellular plastic foam buoyant vest, manu-

factured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 131, Type II PFD, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective September 20, 1977. (It is an extension of Approval No. 160.052/359/0 dated November 2, 1972.)

Approval No. 160.052/360/0, child medium, Model 522UV, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 131, Type II PFD, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective September 20, 1977. (It is an extension of Approval No. 160.052/360/0 dated November 2, 1972.)

Approval No. 160.052/361/0, child small, Model 523UV, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 131, Type II PFD, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective September 20, 1977. (It is an extension of Approval No. 160.052/361/0 dated November 2, 1972.)

MARINE BUOYANT DEVICE

Approval No. 160.064/469/0, child small (30-50 lbs.), Model No. S9762, vinyl dipped unicellular plastic foam "Ski, Swim, and Jump Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 106 Type III PFD, manufactured by Wellington Puritan Mills, Inc., Wellington Cordage Division, Monticello Highway, Madison, Ga. 30650, effective September 2, 1977. (It supersedes Approval No. 160.064/469/0 dated February 23, 1973 to show Model No. and weight range change.)

Approval No. 160.064/471/1, adult medium, Model No. S9764, vinyl dipped unicellular plastic foam "Ski, Swim and Jump Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 106, Type III PFD, manufactured by Wellington Puritan Mills, Inc., Wellington Cordage Division, Monticello Highway, Madison, Ga. 30650, effective September 2, 1977. (It supersedes Approval No. 160.064/471/0 dated February 23, 1973 to indicate Model change.)

Approval No. 160.064/472/1, adult large, Model No. S9765, vinyl dipped unicellular plastic foam "Ski, Swim and Jump Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 106, Type III PFD, manufactured by Wellington Puritan Mills, Inc., Wellington Cordage Division, Monticello Highway, Madison, Ga. 30650, effective September 2, 1977. (It supersedes Approval No. 160.064/472/0 dated February 23, 1973 to indicate Model change.)

Approval No. 160.064/473/1, adult X-large, Model No. S9766, vinyl dipped unicellular plastic foam "Ski, Swim and Jump Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 106, Type III PFD, manufactured by Wellington Puritan Mills, Inc., Wellington Cordage Division, Monticello Highway, Madison, Ga., 30650, effective September 2, 1977. (It supersedes Approval No. 160.064/473/0 dated February 23, 1973 to indicate Model change.)

Approval No. 160.064/1275/0, 18½", Model No. 12250, vinyl dipped unicellular plastic foam "Ring Buoy," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and the Massalite Co., Approval No. 160.064/1107 (revision No. in effect on date of manufacture) and UL/MD report file no. MQ 247 (Sec. 1), Type IV PFD, manufactured by the Massalite Co., Box 214, Winnetka, Ill. 60093, for Recreation Corp., 1635 Expo Lane, Indianapolis, Ind. 46224, effective September 19, 1977.

Approval No. 160.064/1283/0, adult small, Model No. 1100, cloth covered unicellular plastic foam "Yachting Jacket," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and America's Cup, Inc., Approval No. 160.064/221 (revision No. in effect on date of manufacture) and UL/MD report file No. MQ 69 (Sec. 1), Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, South El Monte, Calif. 91733, for Utica Duxbak Corp., Utica, N.Y. 13502, effective September 19, 1977.

Approval No. 160.064/1284/0, adult medium, Model No. 1100, cloth covered unicellular plastic foam "Yachting Jacket," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and America's Cup, Inc., Approval No. 160.064/222 (revision No. in effect on date of manufacture) and UL/MD report file No. MQ 69 (Sec. 1), Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, South El Monte, Calif. 91733, for Utica Duxbak Corp., Utica, N.Y. 13502, effective September 19, 1977.

Approval No. 160.064/1285/0, adult large, Model No. 1100, cloth covered unicellular plastic foam "Yachting Jacket," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and America's Cup, Inc., Approval No. 160.064/223 (revision No. in effect on date of manufacture) and UL/MD report file No. MQ 69 (Sec. 1), Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, South El Monte, Calif. 91733, for Utica Duxbak Corp., Utica, N.Y. 13502, effective September 19, 1977.

Approval No. 160.064/1286/0, adult X-large, Model No. 1100 X-large, cloth covered unicellular plastic foam "Yachting Jacket," manufactured in

accordance with U.S.C.G. Specification Subpart 160.064 and America's Cup, Inc., Approval No. 160.064/224 (revision No. in effect on date of manufacture) and UL/MD report file No. MQ 69 (Sec. 1), Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, South El Monte, Calif. 91733, for Utica Duxbak Corp., Utica, N.Y. 13502, effective September 19, 1977.

Approval No. 160.064/1287/0, child small (30 to 50 lb.), Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and America's Cup, Inc., Approval No. 160.064/1033 (revision No. in effect on date of manufacture) and UL/MD report file No. MQ 69 (Sec. 2), Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, South El Monte, Calif. 91733, for O'Brien International, Inc., division of the Coleman Co., 14615 Northeast 91st Street, Redmond, Wash. 98052, effective September 20, 1977.

Approval No. 160.064/1288/0, child medium, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and America's Cup, Inc., Approval No. 160.064/1035 (revision No. in effect on date of manufacture) and UL/MD report file No. MQ 69 (Sec. 2), Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, South El Monte, Calif. 91733, for O'Brien International, Inc., division of the Coleman Co., 14615 Northeast 91st Street, Redmond, Wash. 98052, effective September 20, 1977.

Approval No. 160.064/1289/0, adult X-small, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and America's Cup, Inc., Approval No. 160.064/1034 (revision No. in effect on date of manufacture) and UL/MD report file No. MQ 69 (Sec. 2), Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, South El Monte, Calif. 91733, for O'Brien International, Inc., division of the Coleman Co., 14615 Northeast 91st Street, Redmond, Wash. 98052, effective September 20, 1977.

Approval No. 160.064/1290/0, adult small, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and America's Cup, Inc., Approval No. 160.064/633 (revision No. in effect on date of manufacture) and UL/MD report file No. MQ 69 (Sec. 2), Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, South El Monte, Calif. 91733, for O'Brien International, Inc., division of the Coleman Co., 14615 Northeast 91st Street, Redmond, Wash. 98052, effective September 20, 1977.

Approval No. 160.064/1291/0, adult medium, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and America's Cup, Inc., Approval No. 160.064/634 (revision No. in effect on date of manufacture) and UL/MD report file No. MQ 69 (Sec. 2), Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, South El Monte, Calif. 91733, for O'Brien International, Inc., division of the Coleman Co., 14615 Northeast 91st Street, Redmond, Wash. 98052, effective September 20, 1977.

Approval No. 160.064/1292/0, adult large, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and America's Cup, Inc., Approval No. 160.064/635 (revision No. in effect on date of manufacture) and UL/MD report file No. MQ 69 (Sec. 2), Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, South El Monte, Calif. 91733, for O'Brien International, Inc., division of the Coleman Co., 14615 Northeast 91st Street, Redmond, Wash. 98052, effective September 20, 1977.

Approval No. 160.064/1293/0, adult X-large, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and America's Cup, Inc., Approval No. 160.064/750 (revision No. in effect on date of manufacture) and UL/MD report file No. MQ 69 (Sec. 2), Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, South El Monte, Calif. 91733, for O'Brien International, Inc., division of the Coleman Co., 14615 Northeast 91st Street, Redmond, Wash. 98052, effective September 20, 1977.

Approval No. 160.064/1343/0, adult S/M, Model No. 5514, cloth covered unicellular plastic foam "Trapeze Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 289, Type III PFD, manufactured by Soniform, Inc., 8400 Alvarado Road, La Mesa, Calif. 92041, effective August 30, 1977.

Approval No. 160.064/1344/0, adult M/L, Model No. 5515, cloth covered unicellular plastic foam "Trapeze Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 289, Type III PFD, manufactured by Soniform, Inc., 8400 Alvarado Road, La Mesa, Calif. 92041, effective August 30, 1977.

Approval No. 160.064/1361/0, adult XX-large, Model No. 1100, cloth covered unicellular plastic foam "Yachting Jacket," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and America's Cup, Inc.,

Approval No. 160.064/640 (revision No. in effect on date of manufacture) and UL/MD report file No. MQ 69 (Sec. 1), Type III PFD, manufactured by America's Cup, Inc., 1443 Potrero, South El Monte, Calif. 91733, for Utica Duxbak Corp., Utica, N.Y. 13502, effective September 19, 1977.

Approval No. 160.064/1367/0, adult SM/medium (over 90 lb.), Model No. SPV-11 or SSV-167, cloth covered unicellular plastic foam "Buoyant Vest or Fishing Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 29, factory location: Highway 10, Sauk Rapids, Minn. 56379, Type III PFD, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, Minn. 56301, effective September 8, 1977.

Approval No. 160.064/1368/0, adult Lg/X-lg (over 90 lb.), Model No. SPV-11 or SSV-167, cloth covered unicellular plastic foam "Buoyant Vest or Fishing Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 29, factory location: Highway 10, Sauk Rapids, Minn. 56379, Type III PFD, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, Minn. 56301, effective September 8, 1977.

Approval No. 160.064/1369/0, adult super XXL (over 90 lb.), Model No. SPV-11 or SSV-167, cloth covered unicellular plastic foam "Buoyant Vest or Fishing Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 29, factory location: Highway 10, Sauk Rapids, Minn. 56379, Type III PFD, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, Minn. 56301, effective September 8, 1977.

Approval No. 160.064/1370/0, child medium (50 to 90 lb.), Model No. SPV-10 or SSV-168, cloth covered unicellular plastic foam "Buoyant Vest or Fishing Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 29, factory location: Highway 10, Sauk Rapids, Minn. 56379, Type III PFD, manufactured by Stearns Manufacturing Co., P.O. Box 1498, St. Cloud, Minn. 56301, effective September 8, 1977.

Approval No. 160.064/1374/0, adult small, Model No. S9763, vinyl dipped unicellular plastic foam "Ski, Swim and Jump Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report No. MQ 106, Type III PFD, manufactured by Wellington Cordage Division, Monticello Highway, Madison, Ga. 30650, effective September 2, 1977.

FLOATING ELECTRIC WATER LIGHT

Approval No. 161.010/8/0, Automatic Lite Co., Save-U-Lite, Model WL003

floating electric water light with mounting bracket, manufactured by The Automatic Lite Co., Inc., 900 North Iris Avenue, Baltimore, Md. 21205, effective September 15, 1977.

NONCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/77/0, "Pabco Precision Molded Super Caltemp Type NA" calcium silicate type, identical to that described in Fibreboard Paper Products Corp. letter dated October 15, 1964, approved in densities from 11.5 to 12.5 pounds per cubic foot, manufactured by Fibreboard Corp., Industrial Products Division, 55 Francisco Street, San Francisco, Calif. 94133, effective September 1, 1977. (It is an extension of Approval No. 164.009/77/0 dated August 14, 1972.)

Dated: December 2, 1977.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant
Marine Safety.

[FR Doc. 77-35155 Filed 12-7-77; 8:45 am]

[4910-22]

Federal Highway Administration

STATE OF SOUTH DAKOTA HIGHWAY BEAUTIFICATION ACT ENFORCEMENT PROCEEDING

Hearing

Please take notice that a public hearing in the above-entitled proceeding, involving alleged violations of the Highway Beautification Act of 1965 (23 U.S.C. 131) with respect to effective control of outdoor advertising adjacent to Interstate and Federal-aid primary highways, will commence before the undersigned Administrative Law Judge at 10 a.m., c.s.t., Tuesday, December 13, 1977, in the Court Room located on the Fourth Floor, Federal Building, U.S. Post Office, 225 South Pierre, Pierre, S. Dak. 57501.

The principal issue to be heard concerns whether or not the Secretary of Transportation should withhold 10 percent of the South Dakota Federal-Aid highway apportionment because:

(1) The State of South Dakota has allegedly not made provisions for the effective control of outdoor advertising in accordance with 23 U.S.C. 131.

(2) The State/Federal agreement, as required by 23 U.S.C. 131(d), has been voided by judicial action in *Hogan v. State Board of Transportation* (S.D., 1970), and, allegedly, no provision for an adequate new agreement has been made.

Dated: December 2, 1977.

PAUL N. PFEIFFER,
Administrative Law Judge, U.S.
Consumer Product Safety
Commission, by designation of
the U.S. Civil Service Commis-
sion.

[FR Doc. 77-35170 Filed 12-7-77; 8:45 am]

[4910-06]

Federal Railroad Administration

PETITIONS FOR WAIVER OF RAILROAD OPERATING RULES

As required by 45 U.S.C. 431(c), notice is hereby given that five railroads have submitted waiver petitions to the Federal Railroad Administration (FRA). Each petition requests that the railroad be granted a permanent waiver of compliance with certain safety standards contained in the Railroad Operating Rules (49 CFR Part 218).

Initial Railroad Operating Rules were issued by FRA on March 15, 1976 (41 FR 10904) and became effective on June 1, 1976. In part this safety regulation requires railroads to take certain protective measures to assure the safety of railroad personnel engaged in the inspection, testing, servicing and repair of locomotives and other rolling equipment. These protective measures are commonly referred to in the industry as providing "blue flag" or "blue signal" protection for workmen.

FRA subsequently amended these provisions on January 11, 1977 (42 FR 2318) in response to statutory requirements contained in section 5(b) of the Federal Railroad Safety Authorization Act of 1976, Pub. L. 94-348 which was enacted on July 8, 1976.

Additional amendments were issued on June 29, 1977 (42 FR 33037) and August 31, 1977 (42 FR 43853). The amended provisions became effective on October 1, 1977 although the FRA authorized earlier compliance by the railroads. Furthermore, the FRA has stayed the effective date of a portion of the August 31, 1977 amendment in order to permit an additional opportunity for public comment. The public notices concerning these actions were published on September 28, 1977 (42 FR 49812-49813).

Each of the railroads, which are identified below, are seeking a waiver of compliance with one or more specific provisions of these standards. A brief description of the facts involved in each request, as well as the particular regulatory provision involved has been provided. It should be noted that in some instances the waiver request involves the provision of the regulation that is currently subject to the stayed effective date and open to public comment.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. All communications concerning these petitions must identify the appropriate docket number (e.g. FRA Waiver Petition Docket Number RSOR-77-2) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before January 16, 1978, will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered as far as practicable. Detailed information concerning each petition is on file with the Federal Railroad Administration and is available for examination by interested persons. Any comments received will also be on file. This material is available for examination during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C.

The Railroad Safety Board (Board) of the FRA, which has been delegated authority to determine whether to grant these waiver requests, has decided to hold a public hearing before entering a decision in these proceedings. Accordingly, a public hearing is hereby set for 10:00 a.m. on January 12, 1978 in Room 4234, of the Nassif Building, located at 400 Seventh Street, SW., Washington, D.C.

The hearing will be an informal one and will be conducted in accordance with the provisions of Section 211.25 of the FRA Rules of Practice and Procedure (49 CFR Part 211). A representative designated by the Board will conduct this hearing.

The hearing will not be an adversary proceeding and, consequently, there will be no cross examination of persons making statements. The Board's representative will make an opening statement outlining the scope of the hearing and will provide interested parties with an opportunity to make statements or rebuttal statements. Additional procedures, if necessary, for the conduct of the hearing will be announced at the hearing.

WAIVER PETITION DOCKET RSOR-76-2; LONG ISLAND RAILROAD

The Long Island Railroad (LIRR) seeks a waiver of compliance with the provisions of section 218.25(a) of the regulation. That section requires that each switch which provides access to the work area must be lined against movement to that track and secured with an effective locking device before workmen may perform specific servicing activities for equipment standing on the protected track. That section contains procedures for both manually operated and remotely controlled switches that provide access to the work area.

The LIRR urges that the passenger commuter operations which it provides will be severely affected in an adverse manner by compliance with the provisions of this section. The LIRR believes that these passenger commuter operations are really of a different nature from those of a carrier that is oriented to providing freight train operations. Consequently, the LIRR should not be burdened with compliance with this section since the regulation, in the judgment of the LIRR, was primarily intended to promote safe freight operations.

In further support of its request the LIRR notes that the type of manual switches generally installed on the railroad are not fully capable of being locked in position. These switches, (Bethlehem Model No. 22) are capable of being repositioned without the movement of the throwing arm. Given the design of some terminal facilities, the LIRR indicates that compliance with the regulation would force the LIRR to permit work to occur on only one train at a time. Such a restricted access to the equipment would probably reduce the degree of servicing that the equipment currently receives. Finally, the LIRR states that compliance with this provision could have the ironic effect of increasing the hazard potential for LIRR employees.

WAIVER PETITION DOCKET RSOR-76-4; WASHINGTON TERMINAL CO.

The Washington Terminal Co. (WTC) seeks a waiver of compliance with a portion of the provisions of section 218.25(b). This section requires that when a derail is used as a substitute for a manually operated switch the derail must be positioned at least 150 feet from the rolling equipment being protected by that derail.

The WTC seeks a limited waiver for its coach yard and station tracks in order to position such derails at a minimum distance of 100 feet from the rolling equipment being protected. The WTC indicates that compliance with the 150 foot minimum distance requirement serves to greatly reduce its repair capabilities on certain tracks due to their length. The problems encountered by the WTC currently involve six tracks designated as Coach Yard Tracks 1 through 6 and two tracks designated as station tracks 15 and 16.

The WTC indicates that granting such a waiver would not, in the opinion of the WTC, impair or reduce the degree of safety afforded to workmen. Furthermore, the WTC proposes to reduce the maximum operating speed for equipment entering these tracks to five (5) miles per hour if the waiver is granted.

WAIVER PETITION DOCKET RSOR-77-11; NATIONAL RAILROAD PASSENGER CORPORATION

The National Railroad Passenger Corporation (Amtrak) is seeking a waiver of compliance with the provisions of section 218.25 in four different respects. Each of the portions of the requested waiver are described separately.

Amtrak seeks a waiver on a system wide basis for those workmen whose sole function is to perform interior passenger car cleaning duties. The waiver requested by Amtrak would permit these individuals to perform their tasks without any action being taken to afford these workmen the protection required under the regulation. Amtrak proposes to provide audible advance warning to these people prior to permitting any movement of the cars in which these individuals are working. In support of its position Amtrak urges that the FRA should interpret the type of work being performed as not being included within the scope of the regulation since this type of task was not historically associated with a need to provide blue signal protection.

Amtrak also seeks a waiver at two locations for those workmen who are used to temporarily augment a train crew to expedite the servicing of through trains. The requested waiver seeks authority to continue the current practices, at Pennsylvania Station in New York City and at the station in Harrisburg, Pennsylvania, that permit "pool" conductors and brakemen or "utility" brakemen to perform their tasks without compliance with the regulation. Amtrak indicates that the work performed by these "pool" or "utility" brakemen makes them the functional equal of the train or yard crew members who are currently excluded from the scope of the regulation.

Amtrak additionally seeks a waiver at two locations for the distance provisions relating to placement of derails. The regulation provides that a derail must be located at least 150 feet from the end of the equipment being protected. Amtrak indicates that the design of the trackage, at South Bay Passenger Yard in Boston, Massachusetts and Sunnyside Passenger Yard in Long Island City, New York, prevents the use with this much distance. In both locations the capacity of the yards would be severely restricted and operations badly delayed if the derails are positioned 150 feet from the standing equipment. Amtrak seeks authority to place the derails 50 feet from the end of the equipment in South Bay Yard and 25 feet from the equipment in Sunnyside Yard. If such authority is granted Amtrak proposes to restrict the speed of all equipment at these facilities to 5 miles per hour.

The final aspect of the Amtrak waiver request seeks authority to permit workmen to perform their tasks at Pennsylvania Station in New York City without lining and locking some remote controlled switches providing access to a given track as required by the regulation. In general terms Amtrak proposes to utilize the lining and locking approach except for those switches that are capable of being used for multiple routings. When such a multiple route switch, commonly referred to as a slip switch, provides access to the equipment Amtrak seeks authority to merely lock the signal governing entrance to that track in the stop position. Amtrak indicates this approach will provide a high degree of safety and still permit the intended design use of the trackage. The information submitted by Amtrak in this portion of the waiver request involves station trackage that is used by the Long Island Railroad to provide its commuter services and the waiver, if granted, would consequently affect the operations of the Long Island Railroad at this facility.

WAIVER PETITION DOCKET RSOR-77-18; ELGIN, JOLIET AND EASTERN RAILWAY

The Elgin, Joliet & Eastern Railway (EJ&E) is seeking a waiver of compliance with portions of the provisions of section 218.25 at two different locations. The portion of the regulation which concerns the EJ&E requires that each manual switch providing access to a work area must be lined against movement to that track and secured with an effective locking device before workmen may perform specific servicing work on equipment located on that track.

The EJ&E seeks permission to lock only the entrance switches to its repair track and car shop facility located at Joliet, Ill. The EJ&E proposes to supplement the two locked entrance switches at this facility with two locked derrails on the entrance tracks. A similar situation exists at the repair facility located at Gary, Ind., except that the EJ&E only provides locked derrails on the entrance tracks.

The EJ&E indicates that providing protection in this manner will create a situation similar to that permitted under the regulation for the servicing of locomotives and will avoid the delays and expense of locking and unlocking the interior switches at these locations. The EJ&E also indicates that blue signals will be utilized for equipment standing on the interior tracks and in those instances when it is necessary to move equipment on these interior repair tracks the individual tracks, on which workmen are performing tasks, will be protected so as to prevent movement on those individual tracks.

WAIVER PETITION DOCKET RSOR-77-21; NORFOLK AND WESTERN RAILWAY

The Norfolk and Western Railway (N&W) seeks a waiver of compliance with a portion of the provisions of section 218.25 for three yard facilities. The portion of regulation for which the waiver is sought requires that each manual switch providing access to a work area must be lined against movement to that track and secured with an effective locking device before workmen may perform specific servicing work on equipment located on that track.

The N&W states that at two locations in Norfolk, Virginia, identified as Portlock Yard and Lamberts Point Yard, and one location in Saint Louis, Missouri, identified as Luther Yard, dwarf signals have been installed to provide protection for workmen at these facilities. These signals are remotely controlled by either the workmen individually or by their immediate supervisor. The remote controls are actuated by means of a key arrangement that is under the control of mechanical department personnel. The waiver sought by the N&W would permit the continued use of these dwarf signals as the sole means of providing protection and would avoid the necessity of having the workmen line and lock the switches prior to commencing work.

The N&W indicates that these signals were installed several years ago to improve the safety of workmen performing tasks at these facilities and have proven to be effective. One aspect of their effectiveness arises from the fact that in using this system protection can be provided quickly without requiring the workmen to walk long distances. The N&W indicates that their operating rules preclude the movement of any equipment past these dwarf signals unless the signal displays a proceed aspect.

(AUTHORITY: Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by sec. 5(b) of the Federal Railroad Authorization Act of 1976, Pub. L. 94-348, 90 Stat. 817, July 8, 1976; Section 1.49(n) of the regulations of the Office of the Secretary, 49 CFR 1.49(n).

Issued in Washington, D.C. on December 1, 1977.

ROBERT H. WRIGHT,
Acting Chairman,
Railroad Safety Board.

[FR Doc. 77-35108 Filed 12-7-77; 8:45 am]

[4910-14]

PETITIONS FOR WAIVER OF RAILROAD SAFETY APPLIANCE STANDARDS

Notice is hereby given that seven railroads and one interested party have submitted requests for permanent waivers of compliance with certain requirements of the Railroad

Safety Appliance Standards (49 CFR Part 231). Each of these petitions for waiver involves provisions of the Railroad Safety Appliance Standards that are applicable to locomotives used in road or switching service.

The Federal Railroad Administration (FRA) published a final rule on September 8, 1976 (41 FR 37782) that prescribed configurations for the handholds and uncoupling mechanisms of locomotives used in road service (49 CFR 231.29) and that prescribed configurations for the handholds, uncoupling mechanisms and stairways of locomotives used in switching service (49 CFR 231.30). These regulations are applicable to both existing locomotives and locomotives that will be constructed in the future. Full compliance for the entire locomotive fleet is scheduled for October 1, 1979.

The individual petitions for a waiver of compliance with the certain provisions of this regulation are described below. The description indicates the nature and extent of the relief requested as well as any information that has been submitted in support of the request for the waiver of compliance.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on these petitions since the facts do not appear to warrant it. All communications concerning these petitions must identify the appropriate Docket Number (e.g. FRA Waiver Petition Docket Number SA-77-7) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before January 16, 1978 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available for examination during regular business hours, both before and after the closing date for comments, in room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

THE ARCATA AND MAD RIVER RAILROAD Co.; FRA WAIVER PETITION DOCKET No. SA-77-7

The Arcata and Mad River Railroad Company (Arcata) seeks a waiver of compliance with section 231.30 for three diesel locomotives. These locomotives are 44-ton General Electric diesel electrics built between 1945 and 1951.

These locomotives were designed with a vertical ladder like step on all four corners that is fastened to the inside of the frame with the steps

flush with the outside of the locomotive frame. Arcata states that it is unable to build steps on the outside of the frame because of an impaired clearance condition existing on Arcata's bridge over the Mad River.

The Arcata is a railroad located in the State of California and operates over approximately 7 miles of trackage between Korbel and Korbex. The Arcata has no switch yards and the locomotives are used to haul loads from Korbel to Korbex and return those cars when empty.

Arcata states that the regular crew that works with these locomotives is aware of these conditions and that no accident has occurred to date. Arcata seeks continued operation of the locomotives without modification of the units.

THE ELGIN, JOLIET & EASTERN RAILWAY Co.: FRA WAIVER PETITION DOCKET No. SA-77-8

The Elgin, Joliet & Eastern Railway Company (EJ&E) seeks a waiver of compliance with the provisions of sections 231.30(a)(3), 231.30(c)(4)(ii) and 231.30(c)(5)(i) that require all locomotives used in switching service be equipped with corner stairway openings, and that require a vertical clearance of seven inches deep and that the step material have at least fifty percent open space. EJ&E seeks a waiver of these requirements for three diesel trailer units identified as T-1, T-2 and T-5.

Trailer units T-1 and T-2 were built by EJ&E in 1951 using Alco underframes. Trailer unit T-5 was built in 1964 by EJ&E utilizing the cast steel underframe from a Baldwin switching locomotive originally built in 1940. These trailer units are not self-propelled. The motors are supplied with electric power from a diesel electric locomotive to which the trailer unit is coupled. This combination is principally used in steel mill and coke plant operations.

The construction of units T-1 and T-2 is such that the first step down from deck level is an integral part of the underframe casting. The next two steps down are bent floor plates supported between two vertical angles. The outer edge of the lower step cannot be extended outward because of clearance requirements, and cannot be extended inward because inward extension of the floor plate steps would encroach on the swing of the truck frame on curves.

EJ&E proposes to remove the footboards, apply uncoupling levers operable from the ground or lower step, and add a back step to the lower steps of units T-1 and T-2. With these modifications the units would comply with the standards with the exception of section 211.30(c)(4)(ii) for which EJ&E seeks this waiver.

Trailer unit T-5 has a cast steel stairway, the steps of which are cast integral with the end plate, such that any change in their size or attempt to provide openings in the tread surface would reduce the strength and integrity of the stairway construction.

EJ&E proposes to remove the footboards, apply uncoupling levers operable from the ground or bottom step, and kick plates on the locomotive end platform. Unit T-5 would then be in compliance with the standards with the exception of sections 231.30(c)(4)(ii) and 231.30(c)(5)(i) for which EJ&E seeks this waiver.

BURLINGTON NORTHERN RAILROAD: FRA WAIVER PETITION DOCKET No. SA-77-9

The Burlington Northern Railroad (Burlington) seeks a waiver of compliance with the provisions of section 231.29(a) that require uncoupling mechanisms that can be operated safely from the bottom stairway opening steps of the back end of fourteen Burlington SDP-40 and SDP-45 locomotives numbered between 6394-6399 and 6592-6599.

The locomotives differ from other General Motors SD units in that the engine hood was extended to accommodate a steam generator, moving the crossover platform over the back end sheet and replacing the normal corner stairway with vertical steps. A person standing on these vertical steps cannot safely operate any type of uncoupling device.

Burlington states that to improve the step arrangement practically eliminates the side and end platform at the corners of the engine room hood, creating a more dangerous situation than that which exists when there is no uncoupling device operative from above. Burlington seeks this waiver to permit continued operation of the locomotive without modification of the unit.

THE GRAFTON AND UPTON RAILROAD Co.: FRA WAIVER PETITION DOCKET No. SA-77-10

The Grafton and Upton Railroad Co. (G&U) seeks a waiver of compliance with section 231.30 for one diesel locomotive which is a General Electric 44-ton diesel electric identified as G&U No. 9. The G&U is a small railroad located in the State of Massachusetts and operates over approximately 15 miles of trackage. The G&U provides service with one train per day and this locomotive is used for general service when tonnage permits, as well as for snow removal and as a stand by spare for G&U's other locomotive.

This locomotive was designed with a vertical ladder like step on all four corners which is fastened to the inside of the frame with the steps flush with the outside of the locomotive frame.

G&U states that to bring the locomotive into compliance with the switching step requirement in section 231.30 would cause the locomotive to exceed clearance restrictions at several customer loading platforms, thereby subjecting petitioner to possible loss of business. In addition, G&U states that it would be excessively costly to comply with the standards in light of G&U's limited use of the locomotive. G&U seeks this waiver to permit continued operation of the locomotive without modification of the unit.

PACIFIC LUMBER Co.: FRA WAIVER PETITION No. SA-77-11

The Pacific Lumber Co. (Pacific) seeks a waiver of compliance with section 231.30 for three 80-ton General Electric locomotives identified as No. 101, No. 102 and No. 103.

Pacific operates five locomotives in local switching service in its own forest products manufacturing complex in Scotia, Calif. and, by virtue of trackage rights over the Northwestern Pacific Railroad, provides service between Scotia, Calif., and Carlotto, Calif.

In support of its waiver petition, Pacific states that locomotives No. 101, No. 102, and No. 103 could not be brought into compliance with the standards in regard to the steps without destroying the structural integrity of the locomotives. This difficulty arises as a result of the frame construction of the three locomotives. Pacific seeks continued operation of the three locomotives without modification of the units.

THE MUNICIPALITY OF EAST TROY: FRA WAIVER PETITION DOCKET No. SA-77-12

The Municipality of East Troy (East Troy) seeks a waiver of compliance with the provisions of section 231.30 for one 1942 General Electric diesel electric locomotive used on the Municipality of East Troy, Wis. Railroad.

In support of this waiver request, East Troy states that the design characteristics of the locomotive make it impossible to install this step. The petitioner indicates that it has a very limited operation utilizing only two employees and moving, on the average, only three cars per day. East Troy seeks this waiver to permit continued operation of the locomotive without modification of the unit.

MOSHASSUCK VALLEY RAILROAD Co.: FRA WAIVER PETITION DOCKET No. SA-77-13

The Moshassuck Valley Railroad Co. (MV) seeks a waiver of compliance with section 231.30 for a General Electric 44 and a 65-ton switcher locomotives which are identified as MOV8 and MOV9.

The MV is a small railroad operating in the State of Rhode Island. The MV states that these locomotives were designed with a vertical ladder-like step on all four corners which is fastened to the inside of the frame with the steps flush with the outside of the locomotive frame. MV indicates that the construction of the locomotive is such that application of the required switching step would cause the locomotives to exceed clearances on customer sidings and plants which have been in existence for over 100 years.

MV seeks this waiver to permit continued operation of the two locomotives without modification of the units.

DELTA VALLEY AND SOUTHERN RAILWAY
Co.: FRA WAIVER PETITION DOCKET
No. SA-74-5

The Delta Valley and Southern Railway Co. (Delta) seeks a waiver of compliance with section 231.30 for one 45 ton, 300 horsepower General Electric switcher locomotive.

Delta is a small railroad operating in the State of Arkansas. Delta indicates that it handles an average of five cars per day and the locomotive is used an average of one to one-half hours per day. The same crew operates the locomotive each day that it is used.

In support of its waiver petition, Delta states that if the locomotive underframe was cut away at each corner to provide a stairway opening, the underframe would be substantially weakened. Furthermore, clearance problems would result if the switching steps were added outboard of the locomotive underframe. Delta seeks continued operation of the locomotive without modification of the unit.

This notice is issued under the authority of sections 4, 6, and 12, 27 Stat. 531, as amended, section 6 (e) and (f), 80 Stat. 939; 45 U.S.C. 4, 6, 12; 49 U.S.C. 1655 and section 1.49(c) of the regulations of the Secretary of Transportation 49 CFR 1.49(c).

Issued in Washington, D.C. on December 5, 1977.

ROBERT H. WRIGHT,
Acting Chairman,
Railroad Safety Board.

[FR Doc. 77-35107 Filed 12-7-77; 8:45 am]

[4910-59]

National Highway Traffic Safety
Administration

DENIALS OF PETITIONS TO COMMENCE RULE- MAKING AND PETITIONS TO COMMENCE DEFECT PROCEEDINGS.

This notice sets forth the reasons for denial of five petitions for rule-making to initiate or amend Federal motor vehicle safety standards promulgated under authority of Section

103 of the National Traffic and Motor Vehicle Safety Act (the Act), and one petition to commence a proceeding to determine whether to issue an order pursuant to §152(b) of the Act (15 U.S.C. 1391 et seq.). This notice is published in accordance with section 124 of the Act, which provides that the National Highway Traffic Safety Administration (NHTSA), must grant or deny such petitions within 120 days, and "If the Secretary denies such petition he shall publish in the FEDERAL REGISTER his reasons for such denial" (section 124(d)).

Mr. Robert G. Kurre (December 10, 1976)—Petition to amend Standard No. 222, School Bus Passenger Seating and Crash Protection, to eliminate the seat belt requirement in school buses with a gross vehicle weight rating (GVWR) of 10,000 pounds or less. Mr. Kurre's petition was denied because the NHTSA is aware of no data indicating that small buses, that is, those with a GVWR of 10,000 pounds or less, do not require the extra protection afforded by seat belts. Small buses are subject to different crash pulses than the larger buses, and seat belts are considered a necessary safety requirement for the protection of children transported in small buses.

Mr. S. L. Terry (December 20, 1976)—Petition to permit barrier testing of specified vehicles at the lesser of the unloaded vehicle weight or 5500 pounds. Mr. Terry's petition was denied because it would establish arbitrary weights for some vehicles with the result that these vehicles could be subjected to crash tests in a condition not representative of their actual on-road condition. This could reduce the performance level established in some of the motor vehicle safety standards.

Mr. Byron A. Crampton (February 8, 1977)—Petition to amend the definition of "unloaded vehicle weight" to the lesser of the weight of a completed comparable model or 5500 pounds, and to add a new definition to 49 CFR Part 571.3, that of "special purpose vehicle," for vehicles designed for a specific function but produced from the same chassis as other vehicles. Petitioner's request concerning "unloaded vehicle weight" is similar to that of Mr. S. L. Terry (December 20, 1976), above. The petition was denied because both the proposal for the "unloaded vehicle weight" definition and the "special purpose vehicle" category would permit certain vehicles to be tested at a weight which differs from their actual weight. This could reduce the performance level established in certain motor vehicle safety standards.

Mr. Charles Owen Verrill, Jr. (April 20, 1977)—Petition to amend Standard No. 120, Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars, to permit interim use of tires with a maximum load rating of not

less than 95 percent of the gross axle weight rating and not less than 95 percent of the gross vehicle weight rating. Mr. Verrill's petition was denied because it would reduce one of the minimum requirements for tires intended to ensure adequate safety. It is noted that tires would be available for petitioner's use during the interim period which satisfy the minimum requirements.

American Trucking Associations (ATA) (October 6, 1977)—Petition to amend Standard No. 121, Air Brake Systems, to reduce trailer parking brake retardation levels (S5.6). The ATA petition was denied because the present performance levels are set at relatively stringent levels that are necessary to compensate for misadjustment and other degradation of brake systems in use. Decrease of the performance levels would reduce this margin of safety performance. Reliance on sand shoes on trailer landing gear to provide retardation was not adopted because landing gear is retracted when trailers are parked in combination.

Mr. Albert R. Ferguson (October 26, 1977)—Petition to commence an investigation which may result in a determination of a safety-related defect in the handlebar attachment of Honda Model NC 50 motorcycles. The petition was denied because a technical review conducted by the NHTSA revealed no instances of handlebar detachment in Honda Model NC 50 motorcycles other than the one described in the petition. The most reasonable explanation for the isolated incident noted in the petition was thought to be insufficient tightening of the handlebar securing nut during dealer preparation of the motorcycle.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Section 106, Pub. L. 93-492, 88 Stat. 1482 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on November 30, 1977.

ROBERT L. CARTER,
Associate Administrator
Motor Vehicle Programs.

[FR Doc. 77-34966 Filed 12-7-77; 8:45 am]

[1505-01]

[Docket No. IP77-17; Notice 1]

AMERICAN HONDA MOTOR CO., INC.

Petition for Exemption From Notice and
Remedy for Inconsequential Noncompliance

Correction

In FR Doc. 77-34349, appearing at page 61106 in the issue of Thursday, December 1, 1977, the comment closing date, which was inadvertently omitted, should read, "January 15, 1978".

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Volume No. 46]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE AP- PLICATIONS

PETITIONS FOR MODIFICATION, INTER- PRETATION, OR REINSTATEMENT OF OP- ERATING RIGHTS AUTHORITY

NOTICE

DECEMBER 2, 1977.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket", "sub", and "suffix" (e.g. M1, M2), numbers identified by the FEDERAL REGISTER notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 116763 (Sub-No. 140) M1 (Notice of Filing of Petition To Modify Certificate), filed September 9, 1977. Petitioner: CARL SUBLER TRUCKING, INC., North West Street, P.O. Box 81, Versailles, Ohio 45380. Petitioner's representative: H. M. Richters (same address as applicant). Petitioner holds a motor common carrier Certificate in No. MC 116763 (Sub-No. 140), issued December 24, 1969, authorizing transportation over irregular routes, of: Clay and clay products (except in

bulk), (1) from Olmsted, Ill., to points in Louisiana, Mississippi, Nebraska, Oklahoma, and Texas; and (2) from Paris, Tenn., to points in Iowa, Kansas, Louisiana, Minnesota, Nebraska, Texas, and Wisconsin. By the instant petition, petitioner seeks to add "paper trays and corrugated posts" as additional commodities to the above authority.

No. MC 125162 (Sub-No. 5) (M1) (Notice of Filing of Petition To Add Commodity Description, filed October 14, 1977. Petitioner: CROWN TRUCK LINE, INC., 3811 Broadway, Macon, Ga. 31206. Petitioner's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Petitioner holds a motor common carrier Certificate in No. MC 125162 (Sub-No. 5), issued July 23, 1974, authorizing, as pertinent, transportation, over irregular routes, of Brick, block, tile, and refractory materials (except in bulk), between points in Georgia (except those in Baldwin County), on the one hand, and, on the other, points in Alabama, Florida, North Carolina, South Carolina, and Tennessee; and from Macon, Ga., to Baltimore and Rocky Bridge, Md. By the instant petition, petitioner seeks to add the commodity "concrete products" to the above authority.

No. MC 135185 (Sub-No. 30) (M1) (Notice of Filing of Petition To Add Origin and Destination Points), filed October 12, 1977. Petitioner: COLUMBINE CARRIERS, INC., P.O. Box 15246, Santa Ana, Calif. 92705. Petitioner's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Petitioner holds a motor contract carrier permit in No. MC 135185 (Sub-No. 30), issued May 31, 1977, authorizing transportation, over irregular routes, of Cleaning compounds, disinfectants, deodorants, drugs and toilet preparations, insecticides, household cleaning supplies, chemicals, hydraulic cement, sand, coal tar, adhesive tape, plastic synthetic, paint solvents, rubber cement, caulking and brazing compounds, varnish, paints, phosphoric acid, and titanium dioxide, except commodities in bulk, (1) from Lincoln, Ill., and Toledo, Ohio, to points in Hennepin and Ramsey Counties, Minn., and (2) from Belle Mead, N.J., to points in California and Massachusetts, under a continuing contract or contracts with Lehn & Fink Products Co., a Division of Sterling Drugs, Inc. By the instant petition, petitioner seeks to change part (1) to read: from

the facilities of Lehn and Fink Products Co., a Division of Sterling Drug, Inc., at or near Lincoln and Decatur, Ill., and Toledo, Ohio, to points in Hennepin, Dakota, Ramsey, and Anoka Counties, Minn. Part (2) would remain the same.

No. MC 135795 (Sub-No. 1) (M1) (Notice of Filing of Petition To Modify Permit), filed October 4, 1977. Petitioner: WILLIAM J. JAMES, d.b.a. BILL JAMES, P.O. Box 1786, Hereford, Tex. 79045. Petitioner's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78768. Petitioner holds a motor contract carrier permit in No. MC 135795 (Sub-No. 1), issued November 11, 1976, authorizing transportation over irregular routes, of: Dry animal and poultry feeds, and farm implements, equipment and supplies used in the raising of livestock in mixed loads with dry animal and poultry feeds, from Hereford and Comanche, Tex., to points in Oklahoma, New Mexico, Kansas, Arkansas, Louisiana, and Colorado, under a continuing contract, or contracts, with Moorman Mfg. Co., of Quincy, Ill. By the instant petition, petitioner seeks to add to its above permit, the authority to transport: materials, equipment and supplies used in the manufacture and distribution of dry animal and poultry feeds (except liquid commodities in bulk, in tank vehicles), from points in Oklahoma, New Mexico, Kansas, Arkansas, Louisiana, and Colorado to Hereford and Comanche, Tex., under a continuing contract, or contracts with Moorman Mfg. Co., of Quincy, Ill.

No. MC 139275 M1 (Notice of Filing of Petition To Add an Additional Contracting Shipper and Origin Point), filed October 4, 1977. Petitioner: J&P SUNOCO, INC., 654 North 6th Street, Newark, N.J. 07107. Petitioner's representative: Robert B. Pepper, The Forrest Park Building, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Petitioner holds a motor contract carrier Permit in No. MC 139275, issued July 1, 1975, authorizing transportation over irregular routes, of: Repossessed, wrecked, and recovered stolen automobiles, from points in New York to the facilities of Allstate Insurance Co., located at Carteret, N.J., under a continuing contract, or contracts with Allstate Insurance Co. By the instant petition, petitioner seeks (1) to add Pennsylvania as an additional origin point and (2) to add Tech-Cor, Inc., as an additional contracting shipper to the above authority.

¹Copies of Special Rule 247 (as amended), can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such pleading shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247), addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 100666 (Sub-No. 344) (Republication), filed April 4, 1977, published in the FEDERAL REGISTER issue of June 3, 1977, and republished this issue. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. An Order of the Commission, Review Board Number 3, dated October 26, 1977, and served November 15, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, in the transportation of *plywood and composition board*, from the facilities of Day Co., located at points in Randolph County, Ga., to those points in that part of the United States in and east of Colorado, Nebraska, New Mexico, North Dakota, and South Dakota; 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 regulations. The purpose of this republication is to indicate the grant of the commodity "composition board" in the grant of authority to applicant.

No. MC 135797 (Sub-No. 69) (Republication), filed February 18, 1977, published in the FEDERAL REGISTER issue of April 7, 1977, and republished this issue. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. Applicant's representative: Don

Garrison, 204 Highway 71 North, Suite 3, Springdale, Ark. 72764. An Order of the Commission, Review Board No. 3, decided October 31, 1977, and served November 23, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting: *Wood residuals, animal litter, and deodorants for wood residuals and for animal litter*, from points in Dakota County, Nebr., and Sioux City, Iowa, to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, restricted against the transportation of commodities in bulk; that applicant is fit, willing, and able properly to perform the granted 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 show the commodity authority actually granted.

No. MC 142028 (Sub-No. 4) (Republication), filed December 7, 1976, published in the FEDERAL REGISTER issue of January 13, 1977, and republished this issue. Applicant: TRAVIS TRUCKING CO., INC., R.D. No. 1, Benton, Pa. 17814. Applicant's representative: Chester A. Zyblut, 1030 15th Street NW., 366 Executive Building, Washington, D.C. 20005. By order of the Commission in No. MC 142028 (Sub-No. 4), entered August 4, 1977, and served August 10, 1977, Travis Trucking Co., Inc. was substituted as applicant in this proceeding in lieu of Eli G. Travis, d.b.a. Travis Trucking Co. An Order on Further Proceedings, Review Board No. 3, dated September 20, 1977, and served October 4, 1977, finds that the present and future public convenience and necessity require operation by Applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting: *Wood and plastic products, toothpick dispensers, and sporting goods and accessories*, from the facilities of Forster Manufacturing Co., Inc., at or near Wilton, Maine, to points in New Jersey (except points north of a line beginning at the intersection of New Jersey Highway 33 and the Pennsylvania-New Jersey Highway 33 to the intersection of New Jersey Highway 33 and U.S. Highway 130, thence over U.S. Highway 130 to the junction of U.S. Highway 130 and New Jersey Highway 33 and continuing east over New Jersey Highway 33 to the Atlantic Ocean at a point south of Asbury Park, N.J.), Delaware, Pennsylvania, Maryland, Virginia, New York (except New York, N.Y., and Nassau and Suffolk Counties, N.Y.), and the District of Columbia. Applicant is fit, willing, and able properly to perform the granted 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 (1) the grant of common carrier authority in lieu of contract carrier authority, and (2) the grant of service to named points in New York.

No. MC 142260 (Republication), filed June 16, 1976, published in the FEDERAL REGISTER issue of September 30, 1976, and republished this issue. Applicant: OBERG'S GARAGE, INC., Cross Street, Danbury, Conn. 06810. Applicant's representative: John J. Powers, 152 Greenwood Avenue, Bethel, Conn. 06801. The Initial Decision of the Administrative Law Judge, dated August 25, 1977, and served September 6, 1977, became the Order of the Commission by notice dated October 6, 1977, and served October 28, 1977. The Administrative Law Judge found that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, in the transportation of *wrecked or disabled motor vehicles*, by wrecker equipment only, between Danbury, Ridgefield, and Newton, Conn., on the one hand, and, on the other, points in New York. Applicant is fit, willing, and able properly to perform such service and to conform to the provisions of Part II of the Interstate Commerce Act and to the requirements, rules, and regulations of the Commission thereunder. The purpose of this republication is to give notice (1) of the grant of common carrier authority in lieu of contract carrier authority, and (2) of the grant of Ridgefield and Newtown, Conn. as base points.

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(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 particularly 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. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(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 order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 903 (Sub-No. 38), filed October 19, 1977. Applicant: FALWELL FAST FREIGHT, INC., P.O. Box 937, Lynchburg, Va. 24505. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, in tank vehicles, from Wilmington, N.C., to Farmville, Forest, Lynchburg, Moneta, and South Boston, Va.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Richmond, Va., or Washington, D.C.

No. MC 1183 (Sub-No. 3), filed September 30, 1977. Applicant: EDGEWATER BULK TRUCKING CO., P.O. Box 887, North Arlington, N.J. 07032. Applicant's representative: Charles J. Irwin, 744 Broad Street, Newark, N.J. 07102. Authority sought

to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Corn products and blends thereof, fish oil and vegetable oil, in bulk, in tank vehicles, from the plant and storage facilities of Archer Daniels Midland Co., Bayway, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Newark, N.J., or New York, N.Y.

No. MC 2202 (Sub-No. 545), filed September 30, 1977. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, Ohio 44309. Applicant's representative: William O. Turney, suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: 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 the warehouse facilities utilized by General Electric Co., located at or near Mount Vernon, Ind., as an off-route point in connection with applicant's present regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 2368 (Sub-No. 69), filed October 19, 1977. Applicant: BRALLEY-WILLET TANK LINES, INC., P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn, (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Vegetable oils and products thereof, in bulk, in tank vehicles, (1) from the plantsite or warehouse facilities of Cargill, Inc., located at or near Gainesville, Ga., to points in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas, and (2) from points in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, to the plantsite or warehouse facilities of Cargill, Inc., located at or near Gainesville, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 2860 (Sub-No. 164), filed October 20, 1977. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Archie B. Culbreth, suite 246, 1252 West Peachtree

Street NW., Atlanta, Ga. 30309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Glass containers and container accessories, between the plantsite and warehouse facilities of the Kerr Glass Manufacturing Corp., located in Wilson County, N.C., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; and (2) Materials, equipment and supplies, used in the manufacture and distribution of glass containers and container accessories (except commodities in bulk), from points in the States named in (1) above to the plantsite and warehouse facilities of Kerr Glass Manufacturing Corp., located in Wilson County, N.C.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. Common control may be involved.

No. MC 4405 (Sub-No. 565), filed October 19, 1977. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, Okla. 74103. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (a) Fabricated pipe, tubing, fitting, and (b) materials, equipment and supplies used in the manufacture, erection, and maintenance of the above-named commodities, between the plantsite and facilities of ITT Grinnell Industrial Piping, Inc., at or near Kernersville, N.C., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Winston-Salem or Charlotte, N.C., or Atlanta, Ga.

No. MC 9153 (Sub-No. 4), filed October 17, 1977. Applicant: J. R. CHRISTONI, INC., North Cherry Street Extension, Wallingford, Conn. 06492. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: Steel between Wallingford, Conn., and Seabrook, N.H.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Hartford, Conn., or Boston, Mass.

No. MC 10875 (Sub-No. 40), filed October 20, 1977. Applicant: BRANCH

MOTOR EXPRESS CO., a corporation, 114 Fifth Avenue, New York, N.Y. 10011. Applicant's representative: G. G. Heller (same address as applicant). Authority sought to operate as a common carrier by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, sand, gravel, household goods, commodities in bulk, and those requiring special equipment): Serving the plant and warehouse site of Mead Johnson & Co., located at or near Mount Vernon, Ind., as an off-route point in connection with carrier's regular routes presently authorized.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y., or Indianapolis, Ind.

No. MC 11207 (Sub-No. 401), filed October 25, 1977. Applicant: **DEATON, INC.**, 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Savannah, Ga., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Savannah or Atlanta, Ga.

No. MC 11220 (Sub-No. 152), filed October 17, 1977. Applicant: **GORRONS TRANSPORTS, INC.**, 185 West McLeMore Avenue, Memphis, Tenn. 38101. Applicant's representative: Phineas Stevens, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Decatur, Ala., on the one hand, and, on the other, Albertville, Boaz, Centre, Fort Payne, Guntersville, Oneonta, and Scottsboro, Ala.

NOTE.—Applicant holds irregular route authority between Birmingham, Ala., and points within 15 miles thereof, on the one hand, and, on the other, Albertville, Boaz, Centre, Fort Payne, Guntersville, Oneonta, and Scottsboro, Ala. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 13134 (Sub-No. 48), filed October 14, 1977. Applicant: **GRANT TRUCKING, INC.**, Box 256, Oak Hill, Ohio 45656. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Author-

ity sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Kentucky Electric Steel Co. located at or near Coalton (Boyd County), Ky., to points in Ohio, West Virginia, Tennessee, Virginia, North Carolina, and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 14252 (Sub-No. 30), filed October 20, 1977. Applicant: **COMMERCIAL LOVELACE MOTOR FREIGHT, INC.**, 3400 Refugee Road, Columbus, Ohio 43227. Applicant's representative: William C. Buckham, 3400 Refugee Road, Columbus, Ohio 43227. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lawn and garden care products, and agriculture insecticides and fungicides*, all in containers (except commodities in bulk) from the facilities of O. M. Scott & Sons Co., Inc. at or near Marysville (Union County), Ohio to points in Indiana, Illinois, Missouri; and points in Erie, Crawford, Beaver, Washington, and Greene Counties, Pa.; and points in West Virginia on and north of Interstate Highway 79 from the Pennsylvania State line to Charleston and on and north of Interstate Highway 64 from Charleston to the Kentucky State line; and points in Kentucky on and north of Interstate Highway 64; and to the city of Davenport, Iowa and its commercial zone.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Columbus, Ohio, or Washington, D.C.

No. MC 22195 (Sub-No. 171), filed October 25, 1977. Applicant: **DAN DUGAN TRANSPORT CO.**, a corporation, P.O. Box 946, Sioux Falls, S. Dak. 57105. Applicant's representative: F. Fred Fischer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Alexandria, Minn., to points in North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux Falls, S. Dak.

No. MC 26396 (Sub-No. 157), filed October 21, 1977. Applicant: **POPELKA TRUCKING CO.**, d.b.a. The Waggoners, a corporation, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicles, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except

commodities in bulk, in tank vehicles), from the plantsite of Columbia Foods, Inc., at or near Wallula, Wash. to (a) points in Montana, Idaho, Wyoming, Illinois, Iowa, and Wisconsin and (b) to ports of entry on the United States-Canada boundary line located in Washington, Idaho, Montana, and North Dakota (part (b) restricted to traffic destined to points in Canada).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Sioux City, Iowa, or Sioux Falls, S. Dak.

No. MC 29821 (Sub-No. 7), filed October 25, 1977. Applicant: **NEWBERG AUTO FREIGHT, INC.**, 408 West First Street, Newberg, Ore. 97132. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Ore. 97210. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from the plantsite of McKillip Bros. Meat Co. near St. Paul, Ore., to Seattle, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Portland, Ore.

No. MC 32882 (Sub-No. 86), filed October 25, 1977. Applicant: **MITCHELL BROS. TRUCK LINES**, a corporation, P.O. Box 17039, Portland, Ore. 97217. Applicant's representative: Edward G. Rawle (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fireplace logs and briquettes* (full wood products, sawdust compressed), from the plantsite and facilities of Rocky Mountain Fibre Fuels, located at or near Flagstaff, Ariz., to points in California, Colorado, New Mexico, Nevada, Texas, and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Portland, Ore., Phoenix, Ariz., or Los Angeles, Calif.

No. MC 35320 (Sub-No. 152), filed October 27, 1977. Applicant: **T.I.M.E.-DC, INC.**, P.O. Box 2550, Lubbock, Tex. 79408. Applicant's representative: Kenneth G. Thomas (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, (except sand, gravel, coal, livestock and articles not suitable for transportation in standard equipment), serving the plantsites and facilities of Rheem Manufacturing Co., located at or near Milledgeville, Ga., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Atlanta, Ga., or Little Rock, Ark.

No. MC 41098 (Sub-No. 43), filed October 18, 1977. Applicant: **GLOBAL**

VAN LINES, INC., One Global Way, Anaheim, Calif. 92803. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Copying, duplicating and reproducing machines*, in mixed loads with the commodities described in (2); and (2) *Accessories, parts, materials and supplies* used in the manufacture, installation, lease, sale or distribution of the commodities described in (1) above, (a) between the plant and facilities of Xerox Corp., located at or near Webster, N.Y., on the one hand, and, on the other, points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kentucky, Maryland, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, and Wyoming, and (b) between the plant and facilities of Xerox Corp., located at or near Webster, N.Y., on the one hand, and, on the other, Malden and Woburn, Mass.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held in Los Angeles, Calif.

No. MC 41635 (Sub-No. 49), filed October 5, 1977. Applicant: DEALERS TRANSPORT CO., a corporation, P.O. Box 482, Memphis, Tenn. 38101. Applicant's representative: Richard D. Gleaves, 631 Stahlman Building, Nashville, Tenn. 37201. Authority sought as a common carrier, by motor vehicle, over irregular routes, in the transportation of *automobiles, new and used, freight or passenger, farm tractors, tractors, buses and chassis, including parts and equipment thereto when accompanying vehicle*, in secondary movements, in driveway and truckaway service, between points in East Baton Rouge Parish, La., and West Baton Rouge Parish, La., on the one hand, and, on the other, points and places in the following Texas counties: Angelina, Brazoria, Chambers, Fort Bend, Galveston, Hardin, Harris, Jasper, Jefferson, Liberty, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, Shelby, San Jacinto, and Tyler. Restriction: The operations authorized herein are restricted to the transportation of shipments manufactured, assembled, imported, and distributed by Ford Motor Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Memphis, Tenn., or Baton Rouge, La.

No. MC 43867 (Sub-No. 35), filed October 25, 1977. Applicant: A. LEANDER McALISTER TRUCKING CO., P.O. Box 2214, Wichita Falls, Tex. 76307. Applicant's representative: Brian E. Brewton, P.O. Box 2214, Wichita Falls, Tex. 76307. Authority sought to operate as a common carrier,

by motor vehicle, over irregular routes, transporting: 1. (a) *Iron, steel, zinc, lead, and articles or products thereof*; (b) *building and construction materials, supplies, and equipment* (other than self-propelled) and; (c) *curing compounds*, from the plantsites and warehouse facilities by the Penn-Dixie Steel Corp., and Penn-Dixie Industries or its subsidiaries located at Kokomo, Fort Wayne, Ind.; North Judson, Ind.; Toledo, and Columbus, Ohio; Lansing, Grand Rapids, Petoskey, Holland, and Detroit, Mich.; Denver, Colo.; Albuquerque, N. Mex.; Centerville, and West Des Moines, Iowa; Chicago, Blue Island, and Joliet, Ill.; Cabot and Nazareth, Pa.; Kinsport, South Pittsburgh, and Knoxville, Tenn.; Milwaukee, Wis.; Atlanta, Ga.; Salisbury, N.C., to points in the United States (except Alaska and Hawaii); and 2. *Materials, equipment, and supplies* used in the manufacture and distribution of commodities in (1) above, from points in the United States (except Alaska and Hawaii), to the origin points in (1) above, restricted against the transportation of commodities in bulk, and, restricted in (1) above to traffic originating at the plantsites and warehouse facilities by Penn-Dixie Steel Corp., and Penn-Dixie Industries or its subsidiaries, and further restricted in (2) above to traffic destined to the plantsite and warehouse facilities by Penn-Dixie Steel Corp., and Penn-Dixie Industries or its subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Wichita Falls, Tex.

No. MC 46280 (Sub-No. 80), filed October 20, 1977. Applicant: KEY LINE FREIGHT, INC., 15 Andre Street SE., Grand Rapids, Mich. 49507. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Silica*, density less than ten (10) pounds per cubic foot, in bags or boxes, from Tuscola, Ill., to Adrian, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Washington, D.C. Common control may be involved.

No. MC 49387 (Sub-No. 49), filed October 24, 1977. Applicant: ORSCHEIN BROS. TRUCK LINES, INC. U.S. Highway 24, East, P.O. Box 658, Moberly, Mo. 65270. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and commodities requiring special equip-

ment), (1) between Jefferson City, Mo., and Sedalia, Mo., serving all intermediate points and the off-route points of Elston, Russellville, and Clarksburg, Mo., from Jefferson City over U.S. Highway 50 to Sedalia and return over the same route; and (2) between the junction of Interstate Highway 70 and Missouri Highway 5 and the junction of U.S. Highway 50 and Missouri Highway 5 serving both termini for purposes of joinder only; from the junction of Interstate Highway 70 and Missouri Highway 5 over Missouri Highway 5 to the junction of U.S. Highway 50 and Missouri Highway 5 and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Kansas City or St. Louis, Mo.

No. MC 50493 (Sub-No. 59), filed October 19, 1977. Applicant: P. C. M. TRUCKING, INC., Orefield, Pa. 18069. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from the shipping facilities of Occidental Chemical Co., in Hamilton County, Fla., to points in Connecticut, New York, Pennsylvania, and Maryland.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Jacksonville, Fla.

No. MC 51146 (Sub-No. 534), filed October 17, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by manufacturers and distributors of printed matter* (except commodities in bulk) between points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52704 (Sub-No. 154), filed October 17, 1977. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer H, LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Newsprint, groundwood papers, printing paper, and woodpulp*, from the plantsite of Bowater Southern Paper Corp. at Calhoun, Tenn., to points in Connecticut, New Jersey, New York, Wisconsin, and the District of Columbia; and (2) *paper core tubes, materi-*

als, equipment, and supplies used in the manufacture of the commodities described in (1) above (except in bulk), from points in the destination States named in (1) above, to the plantsite of Bowater Southern Paper Corp. at Calhoun, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 52704 (Sub-No. 156), filed October 26, 1977. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H", LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Insulating materials* (except in bulk), from the plantsite and warehouse facilities of Fibreboard Corp., at or near Grambling, La., to points in Alabama, Arkansas, Florida, Georgia, Delaware, Kentucky, Illinois, Indiana, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, points in Oklahoma on and east of U.S. Highway 81, Pennsylvania, South Carolina, Tennessee, points in Texas on and east of U.S. Highway 281, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga.

No. MC 53841 (Sub-No. 6), filed October 26, 1977. Applicant: W. H. CHRISTIE & SONS, INC., Box 517, East State Street, Knox, Pa. 16232. Applicant's representative: John A. Pillar, Esq., 205 Ross Street, Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned evaporated milk*, from Cambridge Springs, Pa., to points in Connecticut, Delaware, Massachusetts, Maine, New Hampshire, New Jersey, New York, and Rhode Island, restricted to traffic originating at the facilities of Carnation Corp.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Pittsburgh, Pa., or Washington, D.C.

No. MC 58035 (Sub-No. 14), filed October 25, 1977. Applicant: TRANS-WESTERN EXPRESS, LTD., 48 East 56th Avenue, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated metal buildings*, knocked down or in sections, and related component parts, accessories and fixtures therefor; and (2) *such materials, equipment and supplies* as are used in the erection, completion, and maintenance of prefabricated metal

buildings, from the plantsite of Marathon Metallic Building Co., at or near Fort Collins, Colo., to points in Wyoming, those points in South Dakota on and west of a line beginning at the North Dakota State line, thence south over U.S. Highway 83 to junction U.S. Highway 16, thence over U.S. Highway 16 to junction U.S. Highway 183, and thence over U.S. Highway 183 to the Nebraska State line, and those points in Nebraska and Kansas on and west of U.S. Highway 183.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 60580 (Sub-No. 35), filed October 25, 1977. Applicant: MAISLIN TRANSPORT OF DELAWARE, INC., 7401 Newman Boulevard, LaSalle, Quebec, Canada. Applicant's representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a common carrier, by motor vehicle, in foreign commerce only, over regular routes, as alternate routes for operating convenience only, for the purpose of interchange with Maislin Transport Ltd., transporting *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 Pittsburgh, Pa., and Buffalo, N.Y., (1) from Pittsburgh over Interstate Highway 79 to junction Interstate Highway 90, thence over Interstate Highway 90 to Buffalo (also over Interstate Highway 279 to junction Interstate Highway 79, thence over Interstate Highway 90, thence over Interstate Highway 90 to Buffalo), and return over the same routes, (2) from Pittsburgh over Pennsylvania Highway 8 to Franklin, Pa., thence over U.S. Highway 62 to Buffalo, and return over the same route, and (3) from Pittsburgh over U.S. Highway 19 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 62, thence over U.S. Highway 62 to Buffalo, and return over the same route, serving no intermediate points, restricted to traffic originating at or destined to points in Canada served directly or indirectly by Maislin Transport Ltd.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 61396 (Sub-No. 338), filed October 17, 1977. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II, 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Liquid argon, liquid nitrogen, liquid oxygen,*

liquid hydrogen, and compressed gases (except butane, propane, anhydrous ammonia and sulfur dioxide), in bulk, from Claymont, Del., August and Waycross, Ga., Chicago, Granite City, and LaSalle, Ill., East Chicago, Mount Vernon, and Indianapolis, Ind., Clinton, Iowa, Lawrence, Kans., Ashland, Ky., Michoud, La., Acton, Mass., Albion, Mich., Yazoo City, Miss., Bound Brook, Newark, and Pedricktown, N.J., Buffalo, Olean, and Selkirk, N.Y., Lima and Toledo, Ohio, Chattanooga, Tenn., Freeport and Houston, Tex., Provo, Utah, and Chester, W. Va., to points in the United States except Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, (2) *liquid argon, liquid nitrogen, liquid hydrogen, and liquid oxygen*, in bulk, from Warren, Ohio, to points in the United States except Alaska, Arizona, California, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Montana, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Utah, Washington, and Wyoming, (3) *liquid argon, liquid nitrogen, liquid hydrogen, and liquid oxygen*, in bulk, from East Alton, Ill., to points in the United States except Alaska, Arizona, Arkansas, Arizona, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Montana, Nevada, New Mexico, Ohio, Oklahoma, Oregon, Tennessee, Utah, Washington, and Wyoming, (4) *compressed gases* (except butane, propane, anhydrous ammonia and sulfur dioxide), in bulk, from East Alton, Ill., and Warren, Ohio, to points in the United States except Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or New York, N.Y.

No. MC 61825 (Sub-No. 71), filed October 26, 1977. Applicant: ROY STONE TRANSFER CORP., V. C. Drive, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: John D. Stone, Roy Stone Transfer Corp., P.O. Box 385, Collinsville, Va. 24078. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and container accessories*, between the plantsite and warehouse facilities of the Kerr Glass Manufacturing Corp., located in Wilson County, N.C., on the one hand, and, on the other, points in the States of Alabama, Florida, Georgia, Tennessee, Ohio, West Virginia, New Jersey, New York, Pennsylvania, and Virginia, and (2) *Materials, equipment and supplies* used in the manufacture and distribution of glass containers and container accessories (except commodities in

bulk), from points in the States named in (1) above to the plantsite and warehouse facilities of Kerr Glass Manufacturing Corp. located in Wilson County, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 63417 (Sub-No. 115), filed October 19, 1977. Applicant: Blue Ridge Transfer Co., Inc., Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain, P.O. Box 13447, Roanoke, Va. Authority sought to operate as a common carrier by motor vehicle over irregular routes transporting (1) *Incandescent bulbs* from Lexington, Ky., to Newark, N.J., and (2) *packaging material* for commodities in (1) above on return.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held either in Cleveland, Ohio, or Roanoke, Va.

No. MC 67450 (Sub-No. 65), filed October 27, 1977. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Joseph Winter, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (a) *Frozen pizza*, from Benton Harbor, Mich., and Montgomery, Ala., to points in the United States (except Alaska and Hawaii), and (b) *Materials, equipment and supplies used in the manufacture, sale or distribution of frozen pizza*, from points in the United States (except Alaska and Hawaii) to Benton Harbor, Mich., and Montgomery, Ala.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 69118 (Sub-No. 194), filed September 19, 1977. Applicant: SPECTOR FREIGHT SYSTEM, INC., 1050 Kingery Highway, Bensenville, Ill. 60106. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Racks, pallets, storage or warehouse, iron or steel, and/or accessories* thereof, from Quincy, Ill., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada (except points in Florida).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 69901 (Sub-No. 35), filed October 26, 1977. Applicant: COURIER-NEWSOM EXPRESS, INC., P.O. Box 270, Columbus, Ind. 47201. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the off-route point of Monon, Ind., in connection with Applicant's regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 74681 (Sub-No. 7), filed October 6, 1977. Applicant: STEVENS VAN LINES, INC., 121 South Niagara Street, Saginaw, Mich. 48602. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, suite 1200, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission between points in New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Colorado, Kansas, Missouri, New Mexico, Oklahoma, Arkansas, Texas, Louisiana, and the District of Columbia.

NOTE.—Applicant states that this application is a slight extension of MC 174681 (Sub-No. 6), which is a directly related application. Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Saginaw, Mich.

No. MC 75406 (Sub-No. 43), filed October 25, 1977. Applicant: SUPERIOR FORWARDING CO., INC., 2600 South Fourth Street, St. Louis, Mo. 63118. Applicant's representative: Gregory M. Rebman, 314 North Broadway, suite 1230, St. Louis, Mo. 63102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value and except livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious of contaminating to other lading). (1) Between Arkadelphia and Camden, Ark. as follows: From junction U.S. Highway 67 and Arkansas Highway 7, thence over Arkansas Highway 7, to junction Ar-

kansas Highway 7 and U.S. Highway 79, and return over the same route; (2) between Sheridan and Fordyce, Ark. as follows: from junction U.S. Highway 270 and U.S. Highway 167, thence over U.S. Highway 167 to junction U.S. Highway 167 and U.S. Highway 79, and return over the same route; (3) between Magnolia and El Dorado, Ark. as follows: From junction U.S. Highway 79 and U.S. Highway 82 thence over U.S. Highway 82 to junction U.S. Highway 82 and Arkansas Highway 7, and return over the same route. Authority is requested to serve the junction points on the above described routes, in connection with all regular route operations of the applicant.

(4) Between Pine Bluff and Magnolia, Ark. as follows: From Pine Bluff, Ark., thence over U.S. Highway 79 to Magnolia, Ark., and return over the same route, serving the terminal points and all intermediate points, in connection with the regular routes of Superior Forwarding Co. as previously authorized; (5) from junction U.S. Highway 79 and U.S. Highway 167, to El Dorado, Ark. as follows: From said junction of U.S. Highways 79 and 167 thence over U.S. Highway 167 to El Dorado, Ark., and return over the same route serving all joinder points and all intermediate points, in connection with authorized operations of applicant; (6) between Camden and Hampton, Ark. as follows: From Camden, Ark. over Arkansas Highway 4 to Hampton, Ark., and return over the same route, serving all intermediate points, in connection with applicant's present authority; (7) between Camden and El Dorado, Ark. as follows: from junction U.S. Highway 79 and Arkansas Highway 7, at or near Camden, thence over Arkansas Highway 7 to junction Arkansas Highway 7 and U.S. Highway 167 at or near El Dorado, Ark., serving all intermediate points, in connection with applicant's present authority; (8) between Camden and East Camden, Ark. as follows: from junction U.S. Highway 79 and Arkansas Highway 4, thence over Arkansas Highway 4 to Arkansas Highway 274, thence over Arkansas Highway 274, to East Camden, Ark. and return over the same routes, serving all intermediate points, in conjunction with applicant's present authority; (9) from El Dorado, Ark., south over U.S. Highway 167 to the off route point (the plantsite of Michigan Chemical Co.) near El Dorado, Ark. and return over the same route serving all intermediate points on U.S. Highway 67, in conjunction with applicant's present authority.

NOTE.—If a hearing is deemed necessary the applicant requests that it be held at both Memphis and El Dorado, Ark.

No. MC 78228 (Sub-No. 67), filed October 20, 1977. Applicant: J. MILLER

EXPRESS, INC., 962 Greentree Road, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone* in bulk, in dump vehicles, from the plantsite of Basic, Inc., located at or near Maple Grove, Ohio, to those points in Pennsylvania on and west of U.S. Highway 15, those points in West Virginia on and north of U.S. Highway 60 and on and west of U.S. Highway 219, and points in Chautauque and Allegheny Counties, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 78228 (Sub-No. 69), filed October 25, 1977. Applicant: **J. MILLER EXPRESS, INC.**, 962 Greentree Road, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores and metals, in dump vehicles*, from Baltimore, Md. to points in Ohio on and east of U.S. Highway 23, points in Pennsylvania on and west of U.S. Highway 219, and points in West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Baltimore, Md.

No. MC 82079 (Sub-No. 52), filed September 29, 1977. Applicant: **KELLER TRANSFER LINE, INC.**, 5635 Clay Avenue SW., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mechanically refrigerated equipment (except commodities in bulk), from the warehouse and/or other facilities of The Nestle' Co., Inc. at Dearborn, Mich. to points in Indiana, with the return of damaged or rejected merchandise. Restricted to transportation of traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Lansing or Detroit, Mich. Common control may be involved.

No. MC 82841 (Sub-No. 214), filed September 29, 1977. Applicant: **HUNT TRANSPORTATION, INC.**, 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass* from the facilities of PPG Industries, Inc.,

located at or near Wichita Falls, Tex., to points in Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, South Dakota, and Wyoming.

NOTE.—Applicant requests that a hearing be held on a consolidated record with similar applications, in Denver, Colo.

No. MC 82861 (Sub-No. 19), filed October 25, 1977. Applicant: **BROOKS TRUCK LINE, INC.**, 609 14th Street SE., Puyallup, Wash. 98371. Applicant's representative: Michael D. Dupenthaler, 515 Lyon Building, 607 3d Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay Products* consisting of brick, tile, pipe, flue lining, brick panels and brick walls, (2) *High temperature bonding mortar, stone, fire clay, sand, lime, dampers, brick tiles, fireplaces*, and other materials and supplies incidental to the manufacture and use of clay products, between points in Washington, on the one hand, and, on the other, points in Oregon, Idaho, Montana, California in and north of Monterey, Fresno, and Mono Counties, and ports of entry on the International Boundary line between the United States and Canada, located in Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Seattle, Wash.

No. MC 94201 (Sub-No. 154), filed October 26, 1977. Applicant: **BOWMAN TRANSPORTATION, INC.**, P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay base products*. (1) From the plantsite, warehouse and storage facilities of Riverside Clay Co. at or near Riverside, Ala., to points in Arkansas, Connecticut, Delaware, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. (2) Materials, equipment and supplies used in the manufacture and packaging of clay and clay base products and materials from the destination territory to the origin territory set out in paragraph (1) above.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Birmingham, Ala., or Washington, D.C.

No. MC 94201 (Sub-No. 155), filed October 26, 1977. Applicant: **BOWMAN TRANSPORTATION, INC.**, P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative:

Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit or pipe, cement*, containing asbestos fibre and fittings therefor. (1) From the plant site of Cement Asbestos Products Co. at or near Ragland, Ala., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) Materials, equipment and supplies used in the production or manufacture of conduit or pipe, cement, containing asbestos fibre and fittings, from the destination territory to the origin territory set out in (1) above.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at St. Louis, Mo.; Atlanta, Ga., or Washington, D.C.

No. MC 95876 (Sub-No. 216), filed October 17, 1977. Applicant: **ANDERSON TRUCKING SERVICE, INC.**, 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (other than those designed to be drawn by passenger automobiles), in initial movements, in truckaway and driveaway service, from Opole, Minn., to points in the United States, including Alaska, but excluding Hawaii; and (2) *Equipment, materials and supplies*, used in the manufacture and distribution of the commodities in (1) above, from points in the United States, including Alaska, but excluding Hawaii, to Opole, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at St. Paul, Minn. Common control may be involved.

No. MC 103051 (Sub-No. 409), filed October 19, 1977. Applicant: **FLEET TRANSPORT CO., INC.**, 934 44th Avenue N., Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, Tenn. 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and blends thereof*, in bulk, in tank vehicles, (1) from the plantsite or warehouse facilities of Cargill, Inc., at or near Gainesville, Ga., to points and places in the States of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, Texas, and all States east thereof; and, (2) from points in the States of Alabama, Ar-

kansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia to the plantsite or warehouse facilities of Cargill, Inc., at or near Gainesville, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Nashville, Tenn.

No. MC 103993 (Sub-No. 903), filed September 29, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46515. Applicant's representative: Paul D. Borghesani, 28651 U.S. 20 West, Elkhart, Ind. 46515. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *motor homes*, in secondary movements, in driveway service, from points in Indiana, to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 907), filed October 27, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46515. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *portable solar temperature conditioning units* from points in Washington County, Idaho, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boise or Twin Falls, Idaho.

No. MC 104149 (Sub-No. 196), filed October 25, 1977. Applicant: OSBURN TRUCK LINE, INC., 516 North 31st Street, Birmingham, Ala. 35202. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and fittings, accessories therefor, and materials and supplies* used in the distribution and installation of the foregoing commodities, from points in Geneva County, Ala., to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *Materials, equipment, and supplies* used in the manufacture or distribution of commodities named in (1) above, from points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to points in Geneva County, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Birmingham, Ala. Common control may be involved.

mingham, Ala. Common control may be involved.

No. MC 105045 (Sub-No. 72), filed October 17, 1977. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe (except the stringing or picking up of pipe in connection with main or trunk pipe lines; pipe, pipe products, casings, valves and fittings and related parts), from the facilities of McJunkin Corp., at Nitro, W. Va., and of McJay International at Mobile, Ala., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, North Carolina, Maryland, and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C.

No. MC 105045 (Sub-No. 73), filed October 21, 1977. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *monumental stone* from the facilities of Stone, Inc., Baltimore, Md., and from the piers in Baltimore to points in North Carolina, South Carolina, Delaware, New Jersey, New York, Pennsylvania, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C.

No. MC 105187 (Sub-No. 14), filed October 25, 1977. Applicant: CHARLES FARKAS, 111 Senate Street, McKeesport, Pa. 15131. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Chocolate coatings and cocoa powder*, from Jersey City, N.J., to points in Allegheny, Armstrong, Beaver, Butler, Lawrence, Mercer, Westmoreland, and Washington Counties, Pa., and Mahoning and Trumbull Counties, Ohio,

under a continuing contract, or contracts, with Van Leer Chocolate Corp.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 105461 (Sub-No. 97), filed October 17, 1977. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, Pa. 17566. Applicant's representative: Robert R. Herr (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Juvenile furniture, child care products, and materials, equipment and supplies* used in the manufacture and distribution of juvenile furniture and child care products (except commodities in bulk), between the facilities of Graco Children's Products, Inc., located in Elverson, Pa., and Hellam, Pa., on the one hand, and, on the other, points in New Jersey, New York, Delaware, Maryland, Ohio, Virginia, and the District of Columbia. Restricted to traffic originating at or destined to the above named facility of Graco Children's Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Reading, Pa., or Washington, D.C.

No. MC 105566 (Sub-No. 152), filed September 30, 1977. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, Va. 22150. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Plastic materials and compounds; plastic materials; plastic granules; plastic pellets, resins, lumps or granules; proprietary anti-freeze preparations; and chemical compounds* from Bensonville, Chicago, Calumet City, Elk Grove, Lemont, Mapleton, Morris, and Ottawa, Ill., and Gary and Hammond, Ind., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it to be held in Washington, D.C.

No. MC 106074 (Sub-No. 46), filed September 29, 1977. Applicant: B & P MOTOR LINES, INC., Oakland Road, P.O. Box 727, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household appliances*, from Webster City, Iowa, to points in Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Nevada, New Mexico, North Carolina,

Oklahoma, Oregon, South Carolina, Tennessee, Texas, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Fort Dodge, Iowa, or Charlotte, N.C. Applicant holds contract carrier authority in MC 140842 (Sub-No. 1), therefore dual operations may be involved. Common control may also be involved.

No. MC 106074 (Sub-No. 48), filed October 25, 1977. Applicant: B & P MOTOR LINES, INC., Oakland Road, P.O. Box 727, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in containers, from Kansas City, Kans., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, North Carolina (except points in Avery, Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey counties), Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; and (2) *Empty containers for petroleum products, and petroleum-based materials and supplies* (except commodities in bulk and in tank vehicles), from points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, to Kansas City, Kans.

NOTE.—Applicant holds motor contract carrier authority in No. MC 140842 (Sub-No. 1), therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Kansas City, Kans.

No. MC 106398 (Sub-No. 784), filed September 29, 1977. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull, 525 South Main, Tulsa, Okla. 74103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting *Lumber and composition board* from the plantsite and warehouse facilities of Georgia-Pacific Corp. located at: Crossett, Ark.; El Dorado, Ark. Fordyce, Ark.; Stamps, Ark.; Roxie, Miss.; Gloster, Miss.; Bay Springs, Miss.; Louisville, Miss.; Taylorsville, Miss.; and Goss, Miss., to all points in and east of Louisiana, Missouri, Iowa, Minnesota, and Arkansas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Little Rock, Ark. Common control may be involved.

No. MC 106398 (Sub-No. 789), filed October 20, 1977. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull, Traffic Manager, 525 South Main, Tulsa, Okla. 74103. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Composition board* (1) from Alpena, Mich.; Coldwater, Mich.; and Jacksonville, Tex., to points in the United States (except Alaska and Hawaii); and (2) from points in Minnesota and Arkansas to Coldwater, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 106523 (Sub-No. 5), filed October 25, 1977. Applicant: CARLSON TRANSPORT, INC., P.O. Box 20214, Billings, Mont. 59104. Applicant's representative: Charles A. Murray, Jr., 207A Behner Building, 2822 Third Avenue North, Billings, Mont. 59101. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Commodities which because of their size or weight require the use of special equipment and mining machinery, equipment, and supplies*, between points in Big Horn County, Mont. on the one hand and on the other, points in Montana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 106674 (Sub-No. 260), filed October 24, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy, P.O. Box 123, Remington, Ind. 47977. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Glass containers* from plant and warehouse facilities of Midland Glass Co., Inc. at or near Warner Robins, Ga. to the facilities of Anheuser-Busch, Inc. at or near Williamsburg, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in either Chicago, Ill. or Indianapolis, Ind.

No. MC 106674 (Sub-No. 261), filed October 26, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy, P.O. Box 123, Remington, Ind. 47977. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Building and roofing materials (except iron and steel articles and commodities in bulk)* from the plantsite and facilities of the GAF Corp. at or near Mobile, Ala. to

points in Georgia, Florida, Mississippi, Louisiana, Arkansas, and Tennessee and *materials, equipment and supplies (except iron and steel articles and commodities in bulk)* used in the manufacture, installation, and distribution of building and roofing materials from Tampa, Fla. to the plantsite and facilities of the GAF Corp. at or near Mobile, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in either Chicago, Ill. or Indianapolis, Ind.

No. MC 107002 (Sub-No. 517), filed October 20, 1977. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from the facilities of Citadel Cement Corp. at or near Demopolis, Ala., to points in Florida, Louisiana, Mississippi, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, Ala., or Jackson, Miss.

No. MC 107295 (Sub-No. 864), filed October 25, 1977. Applicant: PRE-FAB TRANSIT CO. (a corporation), P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: (1) *composition board*, from Coldwater, Mich., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment and supplies* used in the manufacture and distribution of composition board (except commodities in bulk), from points in the United States, to Coldwater, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Chicago, Ill.

No. MC 107403 (Sub-No. 1042), filed October 19, 1977. Applicant: MALLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr., same address as applicant. Authority sought to operate as a common carrier, over irregular routes, transporting *sodium phosphate*, in bulk, in tank vehicles, from Kearny, N.J., to the international boundary line between the United States and Canada located at Buffalo and Niagara Falls, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 107445 (Sub-No. 12), filed October 26, 1977. Applicant: UNDERWOOD MACHINERY TRANSPORT,

INC., 940 West Troy Avenue, Indianapolis, Ind. 46225. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Van Huffel Tube Corp. at Warren, Ohio, to points in Indiana, Michigan, Kentucky, Tennessee, Illinois, Wisconsin, Missouri, and Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Indianapolis, Ind., or Cleveland, Ohio.

No. MC 107496 (Sub-No. 1114), filed October 21, 1977. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids*, in bulk, from Marseilles, Ill., to points in Indiana, Kansas, Kentucky, Michigan, Missouri, Ohio, Wisconsin, and Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Des Moines, Iowa, or St. Louis, Mo. Common control may be involved.

No. MC 107515 (Sub-No. 1105), filed October 20, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, NE., suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant-site of Columbia Foods, Inc., located at or near Wallula, Wash., to points in the United States in and east of Texas, Arkansas, Tennessee, Kentucky, Indiana, and Michigan.

NOTE.—Applicant holds contract carrier authority in MC 126436 (Sub-No. 2), and other subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests that it be held at Sioux City, Iowa, or Sioux Falls, S. Dak.

No. MC 107515 (Sub-No. 1106), filed October 24, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, NE., suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, over irregular routes, as a motor carrier, in the transportation of: *Petroleum and petroleum products* (except in bulk), *Oil filters, vehicle body sealer,*

and sound deadener compound, from the plantsite and warehouse facilities of Quaker State Oil Refining Corp., located at Farmers Valley, Emlenton, Kimberton, and North Warren, Pa.; Buffalo and North Tonawanda, N.Y.; and St. Marys and Congo, W. Va., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—Common Control may be involved. If a hearing is deemed to be necessary, applicant requests that it be held at Washington, D.C. Applicant holds contract carrier authority in MC 12636 (Sub-No. 2) and subs thereunder, therefore dual operations may be involved.

No. MC 107515 (Sub-No. 1107), filed October 24, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, NE., suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Petroleum, and petroleum products* (except in bulk), *oil filters, vehicle body sealer, and sound deadener compound*, from the plantsite and warehouse facilities of Quaker State Oil Refining Corp., located at Farmers Valley, Emlenton, Kimberton, and North Warren, Pa.; Buffalo and North Tonawanda, N.Y.; and St. Marys and Congo, W. Va., to points in Iowa, Kansas, Minnesota, Missouri, and Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed to be necessary, applicant requests that it be held at Washington, D.C. Applicant holds contract carrier authority in MC 126436 (Sub-No. 2) and subs thereunder, therefore dual operations may be involved.

No. MC 107515 (Sub-No. 1108), filed October 24, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Oscar Mayer & Co., Inc., at or near Perry, Iowa, and storage facilities utilized by Oscar Mayer & Co. at Des Moines, Iowa, to Goodlettsville, Tenn. Restricted to traffic originating at above-named origins and destined to Goodlettsville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed to be necessary, ap-

plicant requests that it be held at Madison, Wis. Applicant holds contract carrier authority in MC 126436 (Sub-No. 2) and subs thereunder, therefore dual operations may be involved.

No. MC 107818 (Sub-No. 87), filed September 29, 1977. Applicant: GREENSTEIN TRUCKING CO., a corporation, 280 Northwest 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 33307. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift & Co. plants located at/or near Des Moines and Marshalltown, Iowa, to points in Alabama, Ga., and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 107993 (Sub-No. 61), filed October 17, 1977. Applicant: J. J. WILLIS TRUCKING CO., a corporation, P.O. Box 5328, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard, lathe and plaster*, from points in Clark County, Nev., to points in Arizona, California, and Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 107993 (Sub-No. 62), filed October 25, 1977. Applicant: J. J. WILLIS TRUCKING CO., a corporation, P.O. Box 5328, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral products*, in bags (except commodities in bulk, in tank vehicles), from the plantsite and facilities of Industrial Mineral Ventures, Inc., located in Nye County, Nev., to points in California, Arizona, Utah, Wyoming, Colorado, New Mexico, Kansas, Oklahoma, Texas, Arkansas, Louisiana, and Mississippi.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Dallas, Tex.

No. MC 108119 (Sub-No. 64), filed September 29, 1977. Applicant: E. L. MURPHY TRUCKING CO., A corpo-

ration, P.O. Box 43010, St. Paul, Minn. 55164. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ovens and incinerators* which, because of size or weight, require special handling or the use of special equipment, and parts and accessories for the above, between plantsites and facilities of BAYCO Industries of California, located in Alameda County, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif. Common control may be involved.

No. MC 108119 (Sub-No. 70), filed October 24, 1977. Applicant: E. L. MURPHY TRUCKING CO., a corporation, P.O. Box 43010, St. Paul, Minn. 55164. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks and parts and attachments for lift trucks*, from Fresno, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif. Common control may be involved.

No. MC 108119 (Sub-No. 71), filed October 25, 1977. Applicant: E. L. MURPHY TRUCKING CO., a corporation, P.O. Box 43010, St. Paul, Minn. 55164. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational vehicles, and equipment, parts, and accessories therefor*, and paraphernalia used in connection with recreational vehicles and equipment, from Crosby, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn., or Washington, D.C.

No. MC 108223 (Sub-No. 23), filed October 20, 1977. Applicant: CENTURY-MERCURY MOTOR FREIGHT, INC., 2160 Mustang Drive, St. Paul, Minn. 55112. Applicant's representative: Warren K. Wahoske (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Batteries, paper, paper labels, paper boxes, and chipboard* from Duluth, Minn., to Chicago Heights, Ill., and points in Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108341 (Sub-No. 72), filed October 24, 1977. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon Street, P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Iron or steel articles*; and (b) *building and construction materials, supplies, and equipment* (except commodities in bulk), from the plantsites and warehouse facilities of Penn-Dixie Steel Corp. and/or Penn-Dixie Industries, Inc. located at Fort Wayne, Kokomo, and N. Judson, Ind.; Columbus and Toledo, Ohio; Detroit, Grand Rapids, Holland, Lansing, and Petoskey, Mich.; Blue Island, Chicago, and Joliet, Ill.; Kingsport, Knoxville, and S. Pittsburg, Tenn., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, and West Virginia; and (2) *Materials, supplies and equipment used in the manufacturing and distribution of the commodities in (1) above* (except commodities in bulk), from points in Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, and West Virginia, to the plantsites and warehouse facilities of Penn-Dixie Steel Corp. and/or Penn-Dixie Industries, Inc. located at Fort Wayne, Kokomo, and N. Judson, Ind.; Columbus and Toledo, Ohio; Detroit, Grand Rapids, Holland, Lansing, and Petoskey, Mich.; Blue Island, Chicago and Joliet, Ill.; Kingsport, Knoxville and S. Pittsburg, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Indianapolis, Ind.; Chicago, Ill.; or Washington, D.C.

No. MC 108449 (Sub-No. 403), filed October 27, 1977. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry litharge*, in bulk, in tank vehicles from St. Paul, Minn. to points in Indiana, Kentucky, Michigan and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Paul, Minn., or Chicago, Ill.

No. MC 109708 (Sub-No. 76), filed October 20, 1977. Applicant: INDIAN RIVER TRANSPORT CO., d.b.a. INDIAN RIVER TRANSPORT, INC., P.O. Box AG, Dundee, Fla. 33828. Applicant's representative: Bruce A. Bullcock, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr.

68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic liquors*, in bulk, in tank vehicles, from Laredo, Tex. to Auburndale, Fla.; Chicago, Ill.; Lawrenceburg, Ind.; Bardstown, Louisville, and Owensboro, Ky.; New Orleans, La.; St. Louis, Mo.; Philadelphia and Schenley, Pa.; (2) *Alcoholic liquors and wine*, in bulk, in tank vehicles, between points in California, Oregon, and Washington, on the one hand, and on the other, points in Indiana, Kentucky, Missouri, Pennsylvania, and Tennessee; and (3) *Alcoholic liquors*, in bulk, in tank vehicles, from New Orleans, La.; points in Kentucky; and points in New Jersey to St. Louis, Mo. (authority from New Jersey restricted to foreign commerce only).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Chicago, Ill., or Louisville, Ky.

No. MC 110563 (Sub-No. 210), filed October 25, 1977. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and warehouse facilities utilized by Rich Products Corp., located at or near Buffalo, N.Y., to points in Colorado, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

MC 111812 (Sub-No. 538), filed October 18, 1977. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: David Peterson, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by a motor vehicle, over irregular routes, transporting: *Glass and glass products* from Owatonna, Minn., to Montana, Idaho, Washington, Oregon, California, Nevada, Utah, New Mexico, Arizona, Colorado, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Minneapolis, Minn. Common control may be involved.

No. MC 111812 (Sub-No. 539), filed October 25, 1977. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine, to points in Arizona, Califor-

nia, Colorado, Delaware, the District of Columbia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Portland, Maine.

No. MC 111812 (Sub-No. 540), filed October 27, 1977. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (Part 1) *Printed matter*, between East Greenville, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (Part 2) *Materials, equipment, and supplies*, used in the manufacturing and production of printed matter (except commodities in bulk and those requiring special equipment), from points in the United States (except Alaska and Hawaii) to East Greenville, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Philadelphia, Pa.

No. MC-112266 (Sub-No. 11), filed October 25, 1977. Applicant: CRAYCRAFT TRUCKING, INC., U.S. Route 30, Route No. 2, Upper Sandusky, Ohio 43351. Applicant's representative: David A. Turano, 100 East Broad Street, Columbus, Ohio 43215. Authority is sought as a *common carrier*, over irregular routes, for the transportation of *bricks*, from Upper Sandusky, Ohio, and points in Jefferson Township, Franklin County, Ohio, to points in Allegheny, Armstrong, Beaver, Butler, Fayette, Indiana, Washington, and Westmoreland Counties, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 112520 (Sub-No. 345), filed October 25, 1977. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Washington County, Ala., to points in Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 112627 (Sub-No. 24), filed October 21, 1977. Applicant: OWENS BROS., INC., P.O. Box 247, Dansville, N.Y. 14437. Applicant's representative: S. Michael Richards, P.O. Box 225, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine*, in containers, from Hammondport, N.Y. to Kansas City, Mo. and points in Vermont, and (2) *materials, supplies, and equipment*, used in the manufacture, sale, and distribution of wines and champagnes (except in bulk), from Illinois, Ind., New York City, N.Y., Pennsylvania, Vermont, to Hammondport, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Buffalo, or Syracuse, N.Y.

No. MC 112713 (Sub-No. 205), filed October 17, 1977. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: David B. Schneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen and dehydrated vegetables*, from the plantsite of Inland Storage Distribution Center, located in Kansas City, Kans., to points in Kentucky and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo.

No. MC 112989 (Sub-No. 53), filed October 17, 1977. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, Oreg. 97405. Applicant's representative: John W. White, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from points in California, to the facilities of Hanna Nickel Smelting Co., located at or near Riddle, Oreg.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either San Francisco, Calif., or Portland, Oreg.

No. MC 113267 (Sub-No. 353), filed October 25, 1977. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 AMF, Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk, in tank vehicles

and hides), from the facilities of the Meat Co., division of TM Enterprises at Calhoun, Ga., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Atlanta, Ga., or Chattanooga, Tenn.

No. MC 113388 (Sub-No. 120), filed October 18, 1977. Applicant: LESTER C. NEWTON TRUCKING CO. (a corporation), P.O. Box 618, Seaford, Del. 19973. Applicant's representative: Charles Ephraim, suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Downingtown, Pa., Clayton, Delaware, Pocomoke, and Salisbury, Md., and Sumter, S.C. to Atlanta, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 113388 (Sub-No. 121) filed October 21, 1977. Applicant: LESTER C. NEWTON TRUCKING CO. (a corporation), P.O. Box 618, Seaford, Del. 19973. Applicant's representative: Charles Ephraim, suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonalcoholic beverages and concentrates; fruits and fruit products, frozen and unfrozen* (except in bulk), from points in Florida to points in Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia, (2) *yogurt and yogurt products*, from the facilities of H. P. Hood, Inc., at or near Dunedin, Fla. to points in Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Tampa, Fla.

No. MC 113545 (Sub-No. 19), filed September 30, 1977. Applicant: CORMETT FORWARDING CO., INC., P.O. Box 38, Jersey City, N.J. 07303. Applicant's representative: Morton E. Klei, suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, medical isotopes, medical test kits and medical instruments*, from Newark International Airport in Newark, N.J., LaGuardia Airport and John F. Kennedy International Air-

port in New York, N.Y., and Philadelphia International Airport in Philadelphia, Pa., to points in New Jersey and Connecticut, New Castle County, Del., Cecil, Harford, Anne Arundel and Baltimore Counties, Md., Baltimore City, Md., New York, N.Y., and points in Nassau, Suffolk, Westchester, Rockland, Orange, Ulster, Sullivan, Putnam and Dutchess Counties, N.Y., Philadelphia, Delaware, Montgomery, Bucks, Lehigh and Northampton Counties, Pa., restricted to traffic having a prior movement by air and further restricted to shipments not exceeding 300 pounds to one consignee to any one day from one consignor. Under a continuing contract or contracts with Abbott Laboratories.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y., or Chicago, Ill.

No. MC 113651 (Sub-No. 232), filed October 12, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, Ind. 47305. Applicant's representative: George E. Batty, P.O. Box 552, Muncie, Ind. 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk and hides); and (2) *foodstuffs*, from Madison, Wis., to points in Virginia, restricted to traffic originating at the plantsite and storage facilities of Oscar Mayer & Co. located at or near Madison, Wis., and destined to points in Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, Ill., or Madison, Wis.

No. MC 114118 (Sub-No. 5), filed October 17, 1977. Applicant: MARSHALL McFARLAND, 145 Neville Street, Circleville, Ohio 43113. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Poultry feed* from Circleville, Ohio, to points in Pennsylvania; and (2) *health products and aids* used in the care and maintaining of animals and poultry, when moving in mixed loads with animal and poultry feed, from Circleville, Ohio, to points in Maryland, Pennsylvania, and West Virginia, under continuing contracts with Ralston Purina Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 114211 (Sub-No. 323), filed October 20, 1977. Applicant: WARREN TRANSPORT, INC., P.O.

Box 420, 324 Manhard Street, Waterloo, Iowa 50704. Applicant's representative: Mr. Daniel Sullivan, suite 1600, 10 South LaSalle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, transporting: *Iron and steel* articles from the facilities of Nucor Steel Division of Nucor Corp. at or near Norfolk, Nebr., to the ports of entry on the international boundary line located between the United States and Canada located in Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr., or Sioux City, S. Dak.

No. MC 114273 (Sub-No. 301), filed October 7, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the plantsite and warehouse facilities utilized by Malco Products, Inc., at or near Barborton, Ohio, to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas, restricted to the transportation of shipments originating at and destined to the above-named origin and destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 114552 (Sub-No. 141), filed September 29, 1977. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and construction materials* (except in bulk), from facilities of or utilized by Penn-Dixie Industries, Inc., Penn-Dixie Steel Corp., and subsidiaries of the foregoing companies located at or near Lansing, Mich., Grand Rapids, Mich., Petoskey, Mich., Holland, Mich., Detroit, Mich., Milwaukee, Wis., Chicago, Ill., Blue Island, Ill., Joliet, Ill., Kokomo, Ind., Fort Wayne, Ind., North Judson, Ind., Elkhart, Ind., Cicero, Ind., Centerville, Iowa, West Des Moines, Iowa, Denver, Colo., Albuquerque, N. Mex., Jackson, Miss., Columbus, Ohio, Toledo, Ohio, Kingsport, Tenn., Knoxville, Tenn., South Pittsburgh (Richard City), Tenn., Atlanta, Ga., Salisbury, N.C., Cabot, Pa., Nazareth, Pa., North Arlington, N.J., and Newton, Kans., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico (except Maine, New Hampshire, and Vermont); and (2) *Materials, equipment and supplies* (except in bulk) used in the manufacture and distribution of commodities named in (1) above, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico (except Maine, New Hampshire, and Vermont), to facilities of or utilized by Penn-Dixie Industries, Inc., Penn-Dixie Steel Corporation, and subsidiaries of the foregoing companies, located at or near Lansing, Mich., Grand Rapids, Mich., Petoskey, Mich., Holland, Mich., Detroit, Mich., Milwaukee, Wis., Chicago, Ill., Blue Island, Ill., Joliet, Ill., Kokomo, Ind., Fort Wayne, Ind., North Judson, Ind., Elkhart, Ind., Cicero, Ind., Centerville, Iowa, West Des Moines, Iowa, Denver, Colo., Albuquerque, N. Mex., Jackson, Miss., Columbus, Ohio, Toledo, Ohio, Kingsport, Tenn., Knoxville, Tenn., South Pittsburgh (Richard City), Tenn., Atlanta, Ga., Salisbury, N.C., Cabot, Pa., Nazareth, Pa., North Arlington, N.J., and Newton, Kans.

Kans., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico (except Maine, New Hampshire, and Vermont); and (2) *Materials, equipment and supplies* (except in bulk) used in the manufacture and distribution of commodities named in (1) above, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico (except Maine, New Hampshire, and Vermont), to facilities of or utilized by Penn-Dixie Industries, Inc., Penn-Dixie Steel Corporation, and subsidiaries of the foregoing companies, located at or near Lansing, Mich., Grand Rapids, Mich., Petoskey, Mich., Holland, Mich., Detroit, Mich., Milwaukee, Wis., Chicago, Ill., Blue Island, Ill., Joliet, Ill., Kokomo, Ind., Fort Wayne, Ind., North Judson, Ind., Elkhart, Ind., Cicero, Ind., Centerville, Iowa, West Des Moines, Iowa, Denver, Colo., Albuquerque, N. Mex., Jackson, Miss., Columbus, Ohio, Toledo, Ohio, Kingsport, Tenn., Knoxville, Tenn., South Pittsburgh (Richard City), Tenn., Atlanta, Ga., Salisbury, N.C., Cabot, Pa., Nazareth, Pa., North Arlington, N.J., and Newton, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 115162 (Sub-No. 391), filed October 25, 1977. Applicant: POOLE TRUCK LINE INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, P.O. Drawer 500, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic pipe fittings, and accessories* used in the installation thereof (except commodities in bulk, in tank vehicles and plastic pipe and fittings used in or in connection with the discovery, development, distribution of natural gas and petroleum and their products and byproducts), from the facilities of Cresline Plastic Pipe Co., Inc. at Council Bluffs, Iowa, to points in the United States (except Alaska and Hawaii), and (2) *Materials, supplies, and accessories* used in the manufacture and distribution of plastic pipe, plastic fittings, and accessories used in the installation thereof (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii) to the facilities of Cresline Plastic Pipe Co., Inc. at Council Bluffs, Iowa.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Washington, D.C.

No. MC 115162 (Sub-No. 392), filed October 26, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, P.O.

Drawer 500, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood and particleboard*, in straight or mixed shipments, from the plant and warehouse facilities of MacMillan Bloedel, Inc. at Pine Hill and Opelika, Ala. to Mobile, Ala., in interstate or foreign commerce.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 115496 (Sub-No. 67), filed October 20, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of, (1) *Board, building wall, or insulation*, faced with vinyl film; (2) *moulding, building woodwork*, faced with vinyl film; (3) *lauan plywood*, faced with vinyl film; (4) *board or sheets*, made from wood shavings, wood saw dust or ground wood, one-half (1/2) inch or more in thickness, faced with vinyl film; and (5) *plywood*, from the plantsite of Pan American Gyro-Tex Co., at Jacksonville, Fla., to points in Georgia, Illinois, Indiana, Ohio, Oklahoma, Missouri, Maryland, Kansas, Pennsylvania, New York, North Carolina, South Carolina, Virginia, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Jacksonville, Fla.

No. MC 115669 (Sub-No. 165), filed October 16, 1977. Applicant: DAHLSTEN TRUCK LINE, INC., 101 West Edgar Street, P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Marshall D. Becker, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bone chips*, dry in bulk, from the plantsites of Iowa Beef Processors, Inc., at or near Amarillo, Tex. and Emporia, Kans., to the facilities of Kind & Knox Gelatine, Inc., at or near Sergeant Bluff, Iowa, and (2) *meat meal, blood meal, bone meal, and dried blood*, from the plantsite of Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Arizona, Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, and Oklahoma, and (3) *Smectite-Vermiculite*, from the plantsites and shipping facilities of Micro-Lite, Inc., located at or near Chanute and Buffalo, Kans., to points in Delaware, Maryland, New Jersey, New York, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and (4) *feed and feed ingredients, lime and limestone products* (except cement), *minerals, oxides,*

trace minerals, pigments, mineral mixtures, processed oilseed products, processed grain products, and processed soybean products, and (5) *animal and poultry health products, pesticides, empty bags and other containers, advertising matter and premiums*, all when transported in mixed truck load shipments with feed and/or feed ingredients, between all points in (a) Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, and (b) between all points in the United States (except Alaska and Hawaii) on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 115826 (Sub-No. 276), filed October 19, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Terminal Annex, Denver, Colo. 80217. Applicant's representative: Howard Gore, P.O. Box 5088, Terminal Annex, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk): From the plantsite of Columbia Foods, Inc. at or near Wallula, Wash., to points in California, Oregon, Nevada, Arizona, Utah, and Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Sioux City, Iowa or Sioux Falls, S. Dak.

No. MC 115841 (Sub-No. 555), filed September 29, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Confectionery and confectionery products* from the plantsite and storage facilities utilized by American Candy Manufacturing Co., located at or near Selma, Ala., to points in Arizona, Colorado, Florida, Georgia, Illinois, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Kentucky, Indiana, New Mexico, Oklahoma, Nevada, Utah,

Idaho, North Dakota, Missouri, Delaware, Maryland, Connecticut, Rhode Island, Wisconsin, Kansas, Iowa, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala. or Knoxville, Tenn.

No. MC 115841 (Sub-No. 567), filed October 18, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods and materials, equipment, and supplies* used in the production thereof from Winchester, Ind. to points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, Tennessee, Texas, South Carolina, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Indianapolis, Ind. or Washington, D.C.

No. MC 115841 (Sub-No. 569), filed October 25, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 168, Concord, Tenn. 37922. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers from the facilities of The Stroh Brewery Co. at Detroit, Mich. to points in North Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Hickory, N.C. or Washington, D.C.

No. MC 116254 (Sub-No. 192), filed October 21, 1977. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, Ala. 35630. Applicant's representative: Hampton M. Mills (same address as applicant). Authority sought to operate as *common carrier*, by motor vehicle over irregular routes, transporting: *Aluminum and aluminum products and materials, equipment, and supplies* used in the manufacture of such products, in dump vehicles, between points in Brazoria Cy., Tex. on the one hand and, on the other, points in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Birmingham, Ala. or Washington, D.C.

No. MC 116510 (Sub-No. 1), filed October 20, 1977. Applicant: KEENAN TRANSIT CO., 3600 North Avenue, Melrose Park, Ill. 60161. Applicant's representative: Allan C. Zuckerman, 39 South LaSalle Street, room 600, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: (1) *Steel wire and steel rods* from Bensenville, Ill., to points in Wisconsin, Michigan, Indiana, Missouri, Iowa, Minnesota, Ohio, North Dakota, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas, Arkansas, Tennessee, Kentucky, Pennsylvania, New York, Louisiana, Mississippi, Alabama, and Georgia; and (2) *materials, equipment and supplies* used in the manufacture and distribution of steel wire and steel rods from Wisconsin, Michigan, Indiana, Missouri, Iowa, Minnesota, Ohio, North Dakota, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas, Arkansas, Tennessee, Kentucky, Pennsylvania, New York, Louisiana, Mississippi, Alabama, and Georgia to Bensenville, Ill., under a continuing contract or contracts, with Nelsen Wire Co. at or near Bensenville, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116915 (Sub-No. 40), filed September 29, 1977. Applicant: ECK MILLER TRANSPORTATION CORP., 2015 Alsop Lane, P.O. Box 1279, Owensboro, Ky. 42301. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40602. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Pipe, castings, valves, hydrants, fittings, and parts and accessories* used in connection therewith, and (2) *machinery, equipment, materials and supplies* used in or in connection with manufacturing of commodities named in (1) above (except commodities in bulk in tank or hopper type vehicles) between the facilities of Central Foundry Co. at or near Holt, Ala., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restricted in both (1) and (2) above to the transportation of shipments originating at or destined to Central Foundry Co., at or near Holt, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, Ala., Louisville, Ky., or Washington, D.C.

No. MC 116915 (Sub-No. 41), filed September 29, 1977. Applicant: ECK MILLER TRANSPORTATION CORP., 2015 Alsop Lane, P.O. Box 1279, Owensboro, Ky. 42301. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40602. Authority sought to operate as a

common carrier by motor vehicle, over irregular routes, transporting: (1) *Copper articles*, from Pulaski, Tenn.; to points in the United States in and East of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; and (2) *scrap copper*, from points in the United States in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas to Pulaski, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Nashville, Tenn. or Louisville, Ky.

No. MC 117068 (Sub-No. 86), filed October 21, 1977. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Enameled steel silos, loading and unloading devices, waste storage tanks, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems, and parts and accessories* for the above-named commodities from DeKalb and Eureka, Ill., to points in Connecticut, Delaware, New Jersey, New York, Massachusetts, Pennsylvania, Rhode Island, and points in Ashtabula, Columbiana, Jefferson, Mahoning, Trumbull, Belmont, and Monroe Counties, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Chicago, Ill. or Washington, D.C.

No. MC 117068 (Sub-No. 87), filed October 21, 1977. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Richard C. McGinnis, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Compressors* and (b) *drilling and mining equipment*, from Franklin, Pa., to points in the United States (except Alaska and Hawaii); (2) *materials and supplies* used in the manufacture of the items in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to Franklin, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C.

No. MC 117068 (Sub-No. 88), filed October 25, 1977. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mechanical lifting equipment and parts and attachments* for such equipment from St. Joseph, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in St. Louis, Mo., or Washington, D.C.

No. MC 117765 (Sub-No. 235), filed October 25, 1977. Applicant: HAHN TRUCK LINE, INC., 5315 North West 5th Street, P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, and roofing materials*, in containers, from Wynnewood, Okla., to points in Arkansas, Louisiana, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Oklahoma City, Okla.

No. MC 117815 (Sub-No. 269), filed October 17, 1977. Applicant: PULLEY FREIGHT LINES, INC., 405 South East 20th Street, Des Moines, Iowa 50317. Applicant's representative: Dewey Marselle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in the Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of or utilized by Oscar Mayer & Co., located at or near Perry and Des Moines, Iowa, to the facilities of or utilized by Oscar Mayer & Co., located at or near Goodlettsville, Tenn., restricted to the transportation of traffic originating at the above named origins and destined to the named destination.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 117823 (Sub-No. 52), filed October 19, 1977. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 1915 South 900 West, Salt Lake City, Utah 84104. Applicant's representative: John F. DeCock, 5565 East 52nd Avenue, Commerce City, Colo. 80022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site of Columbia

Foods, Inc., at or near Wallula, Wash., to points in Nevada, Oregon, California, Arizona, Utah, and Colorado.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Sioux City, Iowa or Sioux Falls, S. Dak.

No. MC 117883 (Sub-No. 223), filed October 19, 1977. Applicant: **SUBLER TRANSFER, INC.**, 100 Vista Drive, Versailles, Ohio 45380. Applicant's representative: Neil E. Hannan, P.O. Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods* from the plantsite and/or storage facilities of Lender's Bagel Bakery, Inc. located at or near Buffalo, N.Y. to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. Restricted to traffic originating at and destined to the named points.

NOTE.—If a hearing is deemed necessary, the applicant request that it be held at Buffalo, N.Y. or Washington, D.C.

No. MC 117940 (Sub-No. 236), filed October 17, 1977. Applicant: **NATION-WIDE CARRIERS, INC.**, P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman, P.O. Box 104, Maple Plain, Minn. 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Condensers, equalizers, and exchangers*, gas or liquid, (except commodities which because of size and weight require special equipment), from Manchester, Ohio, to the facilities of Franklin Manufacturing Co. at St. Cloud, Minnesota, and (2) *iron and steel tubing* (except commodities which because of size and weight require special equipment), from Evansville, Ind., to the facilities of Franklin Manufacturing Co. at St. Cloud, Minn., restricted in (1) and (2) above to traffic originating at the named origin points and destined to the facilities of Franklin Manufacturing Co. at St. Cloud, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul or Minneapolis, Minn. Applicant holds contract carrier authority in No. MC 114789 (Sub-No. 16) and other subs thereunder, therefore dual operation may be involved.

No. MC 117940 (Sub-No. 237), filed October 17, 1977. Applicant: **NATION-WIDE CARRIERS, INC.**, P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan Timmerman, P.O. Box 104, Maple Plain, Minn. 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel tubing* (except commodities which because of size and weight require special equipment), from the facilities of Markin Tubing, Inc., located

at or near Pearl Creek, N.Y. to St. Paul, Minn., and Amana, Iowa, restricted to the transportation of traffic originating at the facilities of Markin Tubing, Inc., at named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 117940 (Sub-No. 238), filed October 18, 1977. Applicant: **NATION-WIDE CARRIERS, INC.**, P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman, P.O. Box 104, Maple Plain, Minn. 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Compressors, gas or liquid* (except commodities which because of size and weight require special equipment) from Cullman, Ala., to the facilities of Franklin Manufacturing Co. at St. Cloud, Minn., and (2) *thermostats*, from Athens, Ala., to the facilities of Franklin Manufacturing Co. at St. Cloud, Minn. Restricted in (1) and (2) above to traffic originating at named origins and destined to the facilities of Franklin Manufacturing Co. at St. Cloud, Minn.

NOTE.—Applicant has motor contract carrier authority pending in No. MC 114789 (Sub-No. 53), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at St. Paul or Minneapolis, Minn.

No. MC 118130 (Sub-No. 82), filed October 19, 1977. Applicant: **SOUTH EASTERN XPRESS, INC.**, P.O. Box 6985, Ft. Worth, Tex. 76115. Applicant's representative: Billy R. Reid, P.O. Box 9093, Ft. Worth, Tex. 76107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising materials*, from the facilities of Falstaff Brewing Corp., at Galveston, Tex., to Albuquerque, Las Cruces, Roswell, and Santa Fe, N. Mex.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas, Ft. Worth, or Galveston, Tex.

No. MC 118142 (Sub-No. 157), filed October 19, 1977. Applicant: **M. BRUENGER & CO., INC.**, 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise dealt in by wholesale, retail, chain grocery, and food business houses*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc., at Springfield, Mo., to points in Alabama, Arizona, Arkansas, California, Colora-

do, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. Restricted to traffic originating at the above named origin and destined to the above-named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 118142 (Sub-No. 158), filed October 21, 1977. Applicant: **M. BRUENGER & CO., INC.**, 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxed smoked meat*, from the plantsite of Dold Foods, Inc., Wichita, Kans., to the State of Montana. Restricted to traffic originating at the above-named origin and destined to the above-named destination State.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 118202 (Sub-No. 77), filed October 20, 1977. Applicant: **SCHULTZ TRANSIT, INC.**, P.O. Box 406, 323 Bridge Street, Winona, Minn. 55987. Applicant's representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, articles distributed by meat packing plants and foodstuffs*, from the plantsite and storage facilities of Geo. A. Hormel & Co., at Austin, Minn., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118811 (Sub-No. 9), filed October 27, 1977. Applicant: **LAWRENCE MCKENZIE, d.b.a. MCKENZIE TRUCKING SERVICE**, Route 5, Box 111, Winchester, Ky. 40391. Applicant's representative: William L. Willis, Attorney at Law, Suite 708, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in dump vehicles from Lexington, Ky., to Ironton, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Lexington, Ky., Frankfort, Ky., or Louisville, Ky.

No. MC 118831 (Sub-No. 154), filed October 17, 1977. Applicant: **CEN-**

TRAL TRANSPORT, INC., P.O. Box 7007, High Point, N.C. 27264. Applicant's representative: Earle O. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and products thereof*, in bulk, in tank vehicles, (1) from the plantsite and warehouse facilities of Cargill, Inc., located at or near Gainesville, Ga., to points in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas, and (2) from points in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia to the plantsite and warehouse facilities of Cargill, Inc., located at or near Gainesville, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 118959 (Sub-No. 156), filed October 17, 1977. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, roofing materials, panels, building materials*, from Meridian, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, North Carolina, South Carolina, and Tennessee, and (2) *materials, equipment, and supplies* used in connection with the commodities described in (1) above from points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, North Carolina, South Carolina, and Tennessee to Meridian, Miss.

NOTE.—Applicant holds motor contract carrier authority in No. MC 125664 and therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Nashville or Memphis, Tenn. Common control may be involved.

No. MC 118989 (Sub-No. 166), filed October 24, 1977. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recyclable materials*, from the plantsite of Americology, Inc., a division of American Can Co., at or near Milwaukee, Wis., to the plantsite of U.S. Reduction Co. at East Chicago, Ind., and to the plantsite of M & T Chemicals at East Chicago, Ind.

NOTE.—If a hearing is deemed necessary; the applicant requests it be held at Chicago, Ill.

No. MC 118989 (Sub-No. 167), filed October 19, 1977. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *fiberglass cans and metal ends* from the plant sites of Boise Cascade Corp., at or near Bradford, Pa., Bristol, Pa., East Greenville, Pa., Forest Park, Ga., Indianapolis, Ind., Whiting, Ind., Jackson, Tenn., Memphis, Tenn., Kansas City, Kans., Orrville, Ohio, St. Louis, Mo., and West Chicago, Ill., to points in and east of the states of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas; and (2) *materials, equipment and supplies used in the production and manufacture of fiberglass cans and metal ends*, from points of destination to origins listed in (1) above.

NOTE.—If a hearing is deemed necessary; the applicant requests it be held in Boise, Idaho, or Chicago, Ill.

No. MC 119641 (Sub-No. 141), filed October 20, 1977. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in, or used by agricultural equipment and industrial equipment dealers and manufacturers (except commodities in bulk), between points in the United States (including Alaska, but excluding Hawaii). Restricted to movements from, to, or between the facilities of Avco New Idea Farm Equipment, Division Avco Corp. and its dealers.

NOTE.—If a hearing is deemed necessary; the applicant requests it be held at either Columbus, Ohio, or Chicago, Ill.

No. MC 119656 (Sub-No. 35), filed October 17, 1977. Applicant: NORTH EXPRESS INC., 219 East Main Street, Winamac, Ind. 46996. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron, steel, zinc, lead, and articles or products thereof, building materials, construction materials, supplies and equipment, springs*, and (2) *materials, supplies and equipment used in the manufacture and distribution of commodities named in (1) above* from (1) the plantsites and warehouse facilities of Penn-Dixie

Steel Corp., Penn-Dixie Industries, Inc., and their wholly owned subsidiaries at or near Kokomo, Elkhart, North Judson, and Cicero, Ind.; Toledo and Columbus, Ohio; Lansing, Grand Rapids, Petosky, Holland, and Detroit, Mich.; Blue Island, Joliet, and Chicago, Ill.; Nazareth and Cabot, Pa.; Centerville and West Des Moines, Iowa; Kingsport and Knoxville, Tenn. and Milwaukee, Wis. to points in the United States (except Alaska and Hawaii); and (2) from points in Michigan, Wisconsin, Iowa, Illinois, Indiana, Ohio, Kentucky, Tennessee, Pennsylvania, and New York to the plantsites and warehouse facilities of Penn-Dixie Steel Corp., Penn-Dixie Industries, Inc., and their wholly owned subsidiaries at or near Kokomo, Elkhart, North Judson, and Cicero, Ind.; Toledo and Columbus, Ohio; Lansing, Grand Rapids, Petosky, Holland, and Detroit, Mich.; Blue Island, Joliet, and Chicago, Ill.; Nazareth and Cabot, Pa.; Centerville and West Des Moines, Iowa; Kingsport and Knoxville, Tenn.; and Milwaukee, Wis. Restriction: (Parts 1 and 2 are restricted against the transportation of commodities in bulk).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119789 (Sub-No. 378), filed October 17, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages* from Peoria, Ill.; Milwaukee, Wis.; Baltimore, Md.; Norfolk, Va.; Latrobe, Pa.; and St. Paul, Minn. to Marietta, Dalton, and Rome, Ga.; and (2) *Empty beverage containers* from Marietta, Dalton, and Rome, Ga. to Peoria, Ill.; Milwaukee, Wis.; Baltimore, Md.; Norfolk, Va.; Latrobe, Pa., and St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, Ga.

No. MC 119789 (Sub-No. 379), filed October 19, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brass valves without operating apparatus; insulators, pottery and iron; guy wire fittings; cable clamps; lightning arrestors; bolts or nuts; overhead trolley wire installation fixtures, iron and brass; car couplers; expansion bolt shields; trolley wheels, brass; electric welders; pole bracket parts, iron; electric cable saturating compound*, in

drums; electric switches; trolley poles, iron without attachments; and trolley harps, from the facilities of The Ohio Brass Co., located at Barberton and Mansfield, Ohio, to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 119789 (Sub-No. 380), filed October 20, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic and rubber articles, aluminum kitchenware, candles, gloves, and pottery*, from points in Ohio, to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Columbus, Ohio.

No. MC 119815 (Sub-No. 21), filed September 29, 1977. Applicant: INTERSTATE HIGHWAY EXPRESS, INC., 814 Norton Avenue, P.O. Box 579, Bedford, Ind. 47421. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Insulating materials, fittings, and supplies* used in the installation of insulating materials from the plantsite of Associated Services, Inc., Bedford, Ind., to points in the United States, including Alaska, but excluding Hawaii; (2) *Materials, equipment, and supplies* used in the manufacturing of insulating materials from points in the United States (except Hawaii), to the plantsite of Associated Services, Inc., Bedford, Ind., under a contract or continuing contracts with Associated Services, Inc., Bedford, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Indianapolis, Ind.

No. MC 119974 (Sub-No. 70), filed October 26, 1977. Applicant: L. C. L. TRANSIT CO., 949 Advance Street, Green Bay, Wis. 54304. Applicant's representative: L. F. Abel, P.O. Box 949, Green Bay, Wis. 54305. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends thereof*, in bulk, in tank vehi-

cles, from the facilities of Amstar Corp., and SuCrest Corp., at Chicago, Ill., to Columbia, Flat River, Malden, Memphis, and Warrenton, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119988 (Sub-No. 127), filed October 20, 1977. Applicant: GREAT WESTERN TRUCKING CO., INC., 103 Highway East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles* (except in bulk), from Temple, Tex., to points in Alabama, Arkansas, Colorado, Georgia, Florida, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Minnesota, Missouri, New Jersey, Oklahoma, Pennsylvania, and Tennessee; and (2) *materials and supplies* used in the manufacture and distribution of plastic articles, from points in Alabama, Arkansas, Colorado, Georgia, Florida, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Minnesota, Missouri, New Jersey, Oklahoma, Pennsylvania, and Tennessee, to Temple, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas or Houston, Tex.

No. MC 120761 (Sub-No. 34), filed October 20, 1977. Applicant: NEWMAN BROS. TRUCKING CO. (a Corporation), 6559 Midway Road, P.O. Box 18728, Fort Worth, Tex. 76118. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Calcium, lime, limestone and limestone products in bags*, from the plantsite and storage facilities utilized by Texas Lime Co., located at or near Cleburne, Tex., to points in Louisiana, Arkansas, Oklahoma, Kansas, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 123048 (Sub-No. 374), filed October 21, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box 1557, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic Pipe, and Hydrants, Valves, Fittings, Couplings, and Materials and Supplies* used in the installation thereof, from the facilities of The Clow

Corp., at or near Buckhannon, W. Va., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 123329 (Sub-No. 35), filed October 17, 1977. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta T2P 2P9, Canada. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Quickline*, in bulk, in tank vehicles, from ports of entry on the United States/Canada boundary line at or near Oroville and Laurier, Wash., to the facilities of Western Nuclear at or near Wellpinit, Wash., restricted to traffic originating at Pavilion Lake, British Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at any city in Washington or Montana.

No. MC 123407 (Sub-No. 410), filed October 25, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Cabinet doors and drawer fronts* from Falls City, Nebr., to points in the United States (except Alaska and Hawaii); and (2) *Materials and supplies used in the production of cabinet doors and drawer fronts* from points in the United States (except Alaska and Hawaii), to Falls City, Nebr.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 411), filed October 26, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *lumber, lumber products and wood products* from points in Lawrence County, S. Dak., to points in Alabama, Arizona, Arkansas, California, Connecticut, District of Columbia, Delaware, Florida, Georgia, Idaho, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Rapid City, S. Dak.

No. MC 123744 (Sub-No. 31), filed September 29, 1977. Applicant: BUTLER TRUCKING CO., a corporation, P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kyanite and mullite*, from Appomattox, Buckingham, Charlotte, and Prince Edward Counties, Va., to points in Illinois, Indiana, Michigan, Ohio, Missouri, Massachusetts, Connecticut, Vermont, New Hampshire, Maine, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 123744 (Sub-No. 32), filed September 29, 1977. Applicant: BUTLER TRUCKING CO., a corporation, P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between points east of Nebraska, Minnesota, Iowa, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 123872 (Sub-No. 76), filed October 20, 1977. Applicant: W. & L. MOTOR LINES, INC., P.O. Box 2607, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman, P.O. Box 2607, Hickory, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *confectionery and confectionery products* in vehicles equipped with mechanical refrigeration (except commodities in bulk), from: the plantsite and storage facilities of M&M/Mars, division of Mars, Inc. at or near Chicago, Ill. to points in the States of Georgia, North Carolina, South Carolina, Tennessee, and Virginia. (Restricted to traffic originating at named origins and destined to named states.)

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 124078 (Sub-No. 753), filed October 19, 1977. Applicant: SCHWERMANN TRUCKING CO. (a corporation), 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*,

in bulk, in tank vehicles, from the facilities of Mississippi Chemical Corp. at or near Sneads, Fla., to points in Alabama and Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124078 (Sub-No. 755), filed October 18, 1977. Applicant: SCHWERMANN TRUCKING CO. (a Corporation), 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Washington County, Ala., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New York, N.Y. Common control may be involved.

No. MC 124117 (Sub-No. 25), filed October 25, 1977. Applicant: EARL FREEMAN, d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, Tenn. 37060. Applicant's representative: Roland M. Lowell, 618 United American Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper, scrap cardboard, and similar paper scrap*, (1) From points in Kentucky and Tennessee to Alton, Ill.; and, (2) from Nashville, Tenn. to Cedartown, Ga.,

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Nashville, Tenn., or St. Louis, Mo.

No. MC 124211 (Sub-No. 309), filed October 25, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic pipe fittings, and accessories*, used in the installation thereof (except commodities in bulk, in tank vehicles, and plastic pipe and fittings used in or in connection with the discovery, development, and distribution of natural gas and petroleum and their products and by-products), from the facilities of Cresline Plastic Pipe Co., Inc., at Council Bluffs, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and accessories*, used in the manufacture and distribution of plastic pipe, plastic fittings, and accessories used in the installation thereof (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to the facilities of Cresline Plastic Pipe Co., Inc., at Council Bluffs, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C., on a consolidated hearing with similar applications. Common control may be involved.

No. MC 124251 (Sub-No. 41), filed October 20, 1977. Applicant: JACK JORDAN, INC., Highway 41 South, P.O. Box 689, Dalton, Ga. 30720. Applicant's representative: Archie B. Culbreth, suite 246, 1252 West Peachtree Street NW., Atlanta Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid plastic*, in bulk in pressure containers, in special insulated van trailers, from points in Whitfield County, Ga., to points in Alabama, Arkansas, Florida, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia; and (2) *Polypropylene Glycol*, in bulk, from points in Whitfield County, Ga., to points in Kansas, Missouri, Pennsylvania, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, Ga.

No. MC 124306 (Sub-No. 38), filed October 17, 1977. Applicant: KENAN TRANSPORT COMPANY, INC., P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representative: Richard A. Mehley, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastic granules*, in bulk, in tank vehicles, from the plantsites of Fiber Industries, Inc., at or near Earl, N.C., and Darlington, S.C., to ports of entry in New York on or near the Niagara and St. Lawrence Rivers on the United States-Canada Boundary Line.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 124774 (Sub-No. 100), filed October 17, 1977. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Drive, P.O. Box 7344, Omaha, Nebr. 68107. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, Iowa 51104. Authority sought to operate as a *Common Carrier*, by Motor Vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles) from the plantsites and storage facilities of Swift & Co., located at or near Grand Island and Omaha, Nebr.; Des Moines, Glenwood, Marshalltown, and Sioux

City, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. Restriction: Restricted to the transportation of shipments originating at the above-described shipper plantsites and storage facilities at or near the named origins and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 124821 (Sub-No. 28), filed October 25, 1977. Applicant: WILLIAM GILCHRIST, 509 Susquehanna Avenue, Old Forge, Pa. 18518. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought, as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *Building and roofing materials, including shingles, roll roofing, saturated paper, roof coatings, roof cements, floor coverings, and adhesives, and materials and supplies used in the distribution or installation of building and roofing materials (except in bulk), from the facilities of The Flintkote Co., at or near Chicago Heights, Ill., to Wisconsin, Iowa, Missouri, Michigan, Kentucky, Ohio, and those points in Indiana south of the counties of Fountain, Montgomery, Boone, Hamilton, Madison, Delaware, and Randolph.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Harrisburg, Pa.

No. MC 124887 (Sub-No. 40), filed October 21, 1977. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *precast concrete, from the plantsite of Exposac Industries, Inc., at Peachtree City, Ga., to points in Georgia, Florida, Alabama, North Carolina, South Carolina, Mississippi, Louisiana, Kentucky, and Tennessee.*

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jacksonville or Tallahassee, Fla., or Atlanta, Ga.

No. MC 124896 (Sub-No. 32), filed October 25, 1977. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carri-*

er Certificates, 61 MCC 299 and 766 (except in bulk and hides), and food-stuffs (except in bulk), (1) from the plantsite and/or storage facilities of George A. Hormel & Co. at or near Fremont, Nebr., and Fort Dodge and Algona, Iowa, to points in Georgia, Tennessee, North Carolina, and South Carolina; (2) from the plantsite and/or storage facilities of George A. Hormel & Co. at or near Ottumwa, Iowa, to points in Virginia and North Carolina. Restriction: (1) and (2) restricted to traffic originating at the named origins and destined to points in the destination States.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Omaha, Nebr., or Kansas City, Mo.

No. MC 124896 (Sub-No. 33), filed October 27, 1977. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne and Ralston Streets, P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Jack H. Blanshan, suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, in containers, from the facilities of Witco Chemical Corp., located at or near Bradford and Petrolia, Pa., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Tennessee, restricted to traffic originating at the named origins and destined to the named destinations.*

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Pittsburgh, Pa., or Washington, D.C.

No. MC 124947 (Sub-No. 80), filed October 26, 1977. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 271049, Dallas, Tex. 75227. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air pollution, heating and cooling equipment, and parts and accessories, for such commodities, from the plantsite and facilities of the Fuller Co., located at or near Houston, Tex., to points in the United States in and west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.*

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Houston or Dallas, Tex.

No. MC 125433 (Sub-No. 127), filed October 18, 1977. Applicant: F-B TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Montmorillonite clay in bags, from the*

facilities of Industrial Mineral Ventures, Inc., near Lathrop Wells, Nev., to points in the United States (excluding Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Denver, Colo., or Salt Lake City, Utah.

No. MC 125506 (Sub-No. 28), filed October 19, 1977. Applicant: JOSEPH ELETTO TRANSFER, INC., 33 West Hawthorne Street, Valley Stream, N.Y. 11580. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail specialty shops (except furniture and appliances), and stores fixtures and supplies not for resale, between New York, N.Y., on the one hand, and, on the other, points in Vermont, New Hampshire, Massachusetts (except Boston, Worcester, Natick, Peabody, and Braintree), Connecticut (except Bridgeport), Rhode Island (except Warwick), and New Jersey (except Newark, Wayne, Paramus, and Menlo Park), under a continuing contract or contracts with Wallachs of Long Island, N.Y.*

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 125637 Sub-No. 4, filed October 20, 1977. Applicant: KODIAK OIL-FIELD HAULERS, INC., suite 210, 707 "A" Street, Anchorage, Alaska 99501. Applicant's representative: Allen McGrath, suite 930, 601 West Fifth Avenue, Anchorage, Alaska 99501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas, oil and petroleum and their products and byproducts, and (2) machinery, materials, equipment, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, between points in the geographical boundaries of the State of Alaska.*

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Anchorage or Fairbanks, Alaska, or San Francisco, Calif.

No. MC 125808 (Sub-No. 7), filed October 18, 1977. Applicant: AAACON AUTO TRANSPORT, INC., 230 West 41st Street, New York, N.Y. 10036. Applicant's representative: Morton E. Kiel, 5 World Trade Center, suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Used automobiles*, in wrecker service, between Memphis, Tenn., on the one hand, and, on the other, points in Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Memphis, Tenn.

No. MC 126276 (Sub-No. 185), filed October 20, 1977. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Recyclable materials*, from the plantsite of Americology, Inc., a division of American Can Co., at or near Milwaukee, Wis., to the plantsite of U.S. Reduction Co. at East Chicago, Ind., and to the plantsite of M & T Chemicals at East Chicago, Ind., and (2) *tin plate*, from Hammond, Gary, Portage, and East Chicago, Ind., to the plantsite of American Can Co. at Milwaukee, Wis., under a continuing contract or contracts with Americology, Inc., a division of American Can Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 126305 (Sub-No. 85), filed October 18, 1977. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Lumber, particle board, plywood, railroad cross ties, paneling, gypsum board, composition board and molding*, from points in Alabama, Georgia, and Jacksonville, Fla., to points in the United States east of and including the States of North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham or Montgomery, Ala.

No. MC 126545 (Sub-No. 12), filed October 17, 1977. Applicant: GLEN-ERY, INC., 173 Hickory Street, Kearny, N.J. 07032. Applicant's representative: William J. Augello, 120 Main Street, Huntington, N.Y. 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *nonferrous metals and empty drums and tote bins* between Brooklyn, N.Y. on the one hand and, on the other, points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Michigan, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and the District of Columbia, under a continuing contract with Standard White Metals Corp.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 126844 (Sub-No. 43), filed October 16, 1977. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Road, Vineland, N.J. 08360. Applicant's representative: Terrence D. Jones, 2033 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen foods* from Marshall, Macon, Carrollton, and Moberly, Mo. to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 126899 (Sub-No. 119), filed October 20, 1977. Applicant: USHER TRANSPORT, INC., P.O. Box 3156, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, Attorney at Law, 708 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising material*, when shipped with malt beverages, from St. Paul, Minn. to Hopkinsville, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Paducah, Ky., or Nashville, Tenn.

No. MC 127527 (Sub-No. 19), filed October 17, 1977. Applicant: CARL W. REAGAN, d.b.a. Southeast Trucking Co., 8418 Tallmadge Road, Ravenna, Ohio 44266. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dock levelers* from Cudahy, Wis., to points in Ohio on and north of U.S. Highway 40 and on and east of U.S. Highway 23. Restriction: The operations authorized herein are limited to transportation service performed under a continuing contract or contracts with Timbers and Associates, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 127811 (Sub-No. 11), filed October 19, 1977. Applicant: BRYNWOOD TRANSFER, INC., 175 8th Ave. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Poles, wooden and lumber*, treated, from New Brighton, Minn. to points in Iowa, Wisconsin, and Upper Peninsula of Michigan, restricted to

traffic originating at the above named origin and destined to the named destination States.

NOTE.—If a hearing is deemed necessary applicant request it be held at Minneapolis, Minn.

No. MC 127840 (Sub-No. 57), filed October 20, 1977. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, Ill. 60438. Applicant's representative: William H. Towle, 180 North LaSalle Street, Suite 3520, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible lard* (in bulk, in tank vehicles), from the plantsite of Geo. A. Hormel & Co. at Austin, Minn., to points in Alabama, Florida, Iowa, Kansas, Missouri, Nebraska, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128273 (Sub-No. 269), filed September 29, 1977. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban, P.O. Box 189, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* from the plantsite and warehouse facilities of the Mead Corp. at or near Gross (Escanaba), Mich., to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Iowa, Kansas, Kentucky (except Louisville), Maine, Maryland, Massachusetts, Missouri (except St. Louis), Nebraska, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio, or Washington, D.C.

No. MC 128273 (Sub-No. 270), filed September 29, 1977. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban, P.O. Box 189, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, printed matter, products produced or distributed by manufacturers and converters of paper and paper products*; from the plantsites and storage facilities of Scott Paper Co. at Winslow, Portland, and Westbrook, Maine and Somerset County, Maine, to points in Alabama, Mississippi, and Tennessee and points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128527 (Sub-No. 90), filed September 30, 1977. Applicant: MAY TRUCKING CO., a Corporation, P.O. Box 398, Payette, Idaho 83861. Applicant's representative: C. Marvin May (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) Such merchandise as is dealt in by wholesale, retail, and chain grocery food business houses, and (B) Equipment, materials and supplies used in the conduct of such businesses, between Oregon and Washington on the one hand and, on the other, points in Idaho south of the southern boundary of Idaho County.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho, or Portland, Oreg.

No. MC 129387 (Sub-No. 42), filed October 25, 1977. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, S. Dak. 57350. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned goods, from the facilities of Krier Preserving Co., located at or near Belgium and Random Lake, Wis., to points in Florida, Iowa, Kansas, Louisiana, Missouri, Nebraska, New York, North Carolina, Pennsylvania, and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 133085 (Sub-No. 177), filed October 20, 1977. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foodstuffs, from the plantsite and warehouse facilities of Green Giant, located at or near Belvidere, Ill., to points in Texas, Arkansas, Oklahoma, and Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Chicago, Ill. Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved.

No. MC 133233 (Sub-No. 54), filed October 17, 1977. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Highway 50, P.O. Box 37308, Omaha, Nebr. 68137. Applicant's representative: Donna Ehrlich, P.O. Box 37308, Omaha, Nebr. 68137. Authority sought to operate as a contract carrier by motor vehicle, over irregular routes, transporting: Lumber, from Afton and Evanston, Wyo., to points in Michigan, under a continuing contract, or contracts, with New Idria Mining & Chemical Co.

NOTE.—Applicant holds motor common carrier authority in No. MC 138328, and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr., or Idaho Falls, Idaho.

No. MC 133233 (Sub-No. 55), filed October 17, 1977. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Highway 50, P.O. Box 37308, Omaha, Nebr. 68137. Applicant's representative: Donna Ehrlich, P.O. Box 37308, Omaha, Nebr. 68137. Authority sought to operate as a contract carrier by motor vehicle, over irregular routes, transporting: Lumber, lumber products, and building materials, from points in Idaho, Montana, Oregon, and Washington, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin, under a continuing contract with New Idria Mining & Chemical Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr., or Idaho Falls, Idaho. Applicant holds common carrier authority in MC 138328 and subs thereunder, therefore dual operation may be involved.

No. MC 133566 (Sub-No. 94), filed October 20, 1977. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, suite 4959, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: Shortening, margarine, and salad dressing in vehicles equipped with mechanical refrigeration (except commodities in bulk), from the plantsite and storage facilities of Anderson-Clayton Foods, Inc., at or near Jackson, Ill., to points in Connecticut, District of Columbia, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, and New Jersey. Restricted to traffic originating at the above named origins and destined to points in the named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y., or Dallas, Tex.

No. MC 133689 (Sub-No. 145), filed October 17, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: Macaroni, noodles, spaghetti, vermicelli, with or without cheese, meat, vegetables, or other ingredients used or useful in the sale of the above described commod-

ities from Fairlawn, N.J., to St. James and St. Paul-Minneapolis, Minn., restricted to shipments originating at and destined to the above named origin and destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minn.

No. MC 133689 (Sub-No. 148), filed October 21, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: plastic film, (1) from North Andover, Mass., to Griffin, Ga., and (2) from Griffin, Ga., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minn.

No. MC 133689 (Sub-No. 149), filed October 21, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: plastic film, from North Andover, Mass., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minn.

No. MC 133805 (Sub-No. 5), filed October 20, 1977. Applicant: LONE STAR CARRIERS, INC., Route No. 1, P.O. Box 48, Tolar, Tex. 76476. Applicant's representative: Charles W. Beinhauer, suite 4959, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicles, over irregular routes, transporting: (1) Clay, in bags, from the plantsite and storage facilities of Floridin Co., at or near Havana and Quincy, Fla., and Ochlocknee, Ga., to points in Alabama, Arkansas, Georgia, Indiana, Mississippi, Missouri, Louisiana, Oklahoma, and Texas. Restricted to traffic originating at the above named plantsites and destined to points in the named destination States; (2) Clay, in bags, from the plantsite and storage facilities of Waverly Mineral Products Co., Inc., at or near Quality, Ga., to points in Arkansas, Delaware, Kansas, Louisiana, Maryland, New Jersey, New York, Oklahoma, Pennsylvania, Texas, Virginia, and West Virginia. Restricted to traffic originating at the above named

plantsite and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y., or Atlanta, Ga. Common control may be involved.

No. MC 134402 (Sub-No. 1), filed October 25, 1977. Applicant: WILLIAMS TRUCK LINE, INC., P.O. Box 143, Audubon, Iowa 50025. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, except in bulk, from the facilities of the Helena Chemical Co., located at or near Des Moines, Iowa, to points in California, Minnesota, Montana, North Dakota, South Dakota, and Washington. Restriction: Restricted to a transportation service to be performed under a continuing contract, or contracts, with Helena Chemical Co.

NOTE.—Applicant has motor common carrier authority pending in No. MC 44989 (Sub-No. 5), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 134467 (Sub-No. 23), filed September 30, 1977. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, Ark. 74764. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by manufacturers and distributors of bakery products (except in bulk), from Jackson, Mich., to points in Kansas, Oklahoma, Texas, Arkansas, and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Detroit, Mich., or Little Rock, Ark.

MC 134477 (Sub-No. 194), filed October 17, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from Independence, Mo. to points in Colorado, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. Restricted to the transportation of traffic originating at the facilities of Commercial Distribution Center, Inc. at or near Independence, Mo. and destined to the above described destination points.

NOTE.—If a hearing is deemed necessary, applicant request that it be held at Minneapolis, Minn.

No. MC 134484 (Sub-No. 14), filed October 17, 1977. Applicant: EDWARDS BROS., INC., P.O. Box 1684, Idaho Falls, Idaho 83401. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles* distributed by meat packinghouses as described in sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk) from the plantsite of Columbia Foods, Inc., at or near Wallula, Wash., to points in Montana, Idaho, Oregon, Wyoming, and Utah.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Sioux City, Iowa, and Sioux Falls, S. Dak.

No. MC 134755 (Sub-No. 118), filed October 26, 1977. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, chain grocery, and food business houses*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc. at Springfield, Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, Oklahoma, South Carolina, North Carolina, Tennessee, Texas, and Virginia, restricted to traffic originating at the above-named origin and destined to the above-named destination States.

NOTE.—Applicant holds contract carrier authority in No. MC 138398 (Sub-No. 2) and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Kansas City, Mo., or Chicago, Ill.

Docket No. MC 135539 (Sub-No. 12), filed October 20, 1977. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. Box 5351, Evansville, Ind. 47715. Applicant's representative: Robert J. Gill, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *grain bins, storage tanks, fans, heaters, augers, dryers, pre-engineered steel buildings, greenhouses*; and (2) *parts, equipment and accessories* used in the manufacture and distribution of the commodities listed in (1) above, between the facilities of Superior Equipment Manufacturing Co. at Mattoon, Ill., on the one hand, and, on the other, points in the U.S. (except

Alaska and Hawaii), under a continuing contract or contracts, with Superior Equipment Manufacturing Co.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Springfield, Ill., or Indianapolis, Ind.

No. MC 135696 (Sub-No. 6), filed October 20, 1977. Applicant: LAKE PORT TRUCKING AND LEASING, INC., 620 South Stange Road, Elmore, Ohio 43416. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa products* (1) between Blissfield, Mich., and Hoytville, Ohio, on the one hand, and on the other, points in Michigan, Ohio, Pennsylvania, and Augusta and Rockingham Counties, Va., and (2) from Toledo, Ohio, to points in New York and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Lansing, Mich.

No. MC 135797 (Sub-No. 85), filed October 17, 1977. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: Paul A. Maestri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper bags, plastic articles* (except in bulk) and *bags* constructed of paper and plastic combined, (a) from the plantsite or warehouse facilities of Great Plains Bag Corp., located at or near Jacksonville, Ark., to points in the United States (except Alaska and Hawaii); (b) from the plantsite or warehouse facilities of Great Plains Bag Corp., located at or near New Philly, Ohio, to points in Arkansas, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia; (c) from the plantsite or warehouse facilities of Great Plains Bag Corp., located at or near Des Moines, Iowa, to points in Arkansas, Colorado, Illinois, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming; and (b) from the plantsite or warehouse facilities of Great Plains Bag Corp., located at or near Hodge, La., to points in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Maryland, Mississippi, North Carolina, Ohio, South Carolina, Virginia, and the District of Columbia; and (2) *machinery, materials* (except in bulk), *equipment and supplies* (except in bulk), used in or in connection with the manufacture, distribution, printing, processing or use of the commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to the plantsite or

warehouse facilities of Great Plains Bag Corp., located at or near Jacksonville, Ark.; New Philly, Ohio; Des Moines, Iowa; and Hodge, La.

NOTE—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. Common control may be involved.

No. MC 135917 (Sub-No. 6), filed October 21, 1977. Applicant: PORTSMOUTH TRUCKING CO., a corporation, 1200 Stambaugh Building, Youngstown, Ohio 44501. Applicant's representative: Michael Spurlock, 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *petroleum pitch* (sometimes known as *gilsonit*), between Scioto County, Ohio, on the one hand, and, on the other, points in Calhoun County, Mich., under a continuing contract or contracts with the Standard Slag Co. or Standard Materials, Inc., of Youngstown, Ohio.

NOTE—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 136168 (Sub-No. 20), filed October 26, 1977. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 717, Marshall, Mo. 65340. Applicant's representative: Donald L. Stern, suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise* dealt in by wholesale, retail, chain grocery, and food business houses, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc., at Springfield, Mo. to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, Oklahoma, South Carolina, North Carolina, Tennessee, Texas, and Virginia; restricted to traffic originating at the above-named origin and destined to the above-named destination states, under a continuing contract or contracts with Kraft, Inc.

NOTE—If a hearing is deemed necessary, applicant requests that it be held in either Kansas City, Mo., or Dallas, Tex.

No. MC 136546 (Sub-No. 4), filed October 17, 1977. Applicant: PELTON BROS. TRANSPORT LTD., R.R. No. 3, Paris, Ontario, Canada. Applicant's representative: William J. Hirsch, suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dressed and kiln dried lumber*, from ports of entry on the international boundary line between the United States and Canada in Michigan and New York, to points in Alabama,

Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, and returned shipments in the reverse direction. Restricted to shipments originating at or destined to the Ontario, Canada facilities of E. B. Eddy Forest Products.

NOTE—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 136605 (Sub-No. 35), filed October 19, 1977. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, Mont. 59807. Applicant's representative: W. E. Seliski, P.O. Box 8058, Missoula, Mont. 59807. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Brick, flue liner and clay products* from the port of entry on the international boundary line between the United States and Canada located at or near Sweetgrass, Mont., to points in Montana, restricted to the transportation of traffic moving from Alberta, Canada and destined to points in Montana.

NOTE—If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., or Great Falls, Mont.

No. MC 136605 (Sub-No. 36), filed October 19, 1977. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, Mont. 59807. Applicant's representative: W. E. Seliski, P.O. Box 8058, Missoula, Mont. 59807. Authority sought to operate as a *Common Carrier* by motor vehicle over irregular routes transporting: *Soda ash and sodium bicarbonate* (except in bulk in tank vehicles) from Sweetwater County, Wyo., to points in Idaho, Montana, Washington, Oregon, and California.

NOTE—Applicant states it intends to participate in traffic moving to Canada through ports of entry located in Washington. If a hearing is deemed necessary, the applicant requests that it be held at either Billings or Missoula, Mont.

No. MC 136605 (Sub-No. 37), filed October 19, 1977. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, Mont. 59807. Applicant's representative: W. E. Seliski, P.O. Box 8058, Missoula, Mont. 59807. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Fired clay brick and application accessories* from Los Angeles, Calif. to the port of entry on the international boundary line between the United States and Canada located at or near Sweetgrass, Mont., restricted to the transportation of traffic moving from Los Angeles, Calif. to points in Alberta, Canada.

NOTE—If a hearing is deemed necessary, the applicant requests it be held at Billings or Great Falls, Mont.

No. MC 136689 (Sub-No. 11), filed October 20, 1977. Applicant: SLAUGHTER TRANSPORTATION CORP., 10910 Lane Street, Houston, Tex. 77029. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, 711 Fannin Street, Houston, Tex. 77002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry bleach; dry bleach in mixed loads of liquid bleach, cleaning compounds, animal litter, cooking oils and foodstuffs* (not frozen, not in bulk) from New Orleans, La. to the plantsite and facilities of The Clorox Co. at or near Houston, Tex., restricted to traffic having an immediately prior rail movement, under a continuing contract with The Clorox Co.

NOTE—If a hearing is deemed necessary, applicant requests that it be held at Houston, Tex., or New Orleans, La.

No. MC 136689 (Sub-No. 12), filed October 20, 1977. Applicant: SLAUGHTER TRANSPORTATION CORP., 10910 Lane Street, Houston, Tex. 77029. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, 711 Fannin Street, Houston, Tex. 77002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Deodorants* (other than medicinal and other than toilet preparations) in containers and boxes in mixed shipments of Clorox products (for which carrier already holds authority) of foodstuffs, cleaning, bleaching and scouring compounds, cooking oils, animal litter from the plantsite and facilities of The Clorox Co. in Houston, Tex. to points in Louisiana, New Mexico, and Oklahoma (applicant presently holds same territorial authority on existing commodities), under a continuing contract with The Clorox Co.

NOTE—If a hearing is deemed necessary, applicant requests that it be held at Houston, Tex., or New Orleans, La.

No. MC 136832 (Sub-No. 5), filed October 17, 1977. Applicant: SOUTHERN IDAHO TRANSPORT, INC., P.O. Box W, Filer, Idaho 83328. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard boxes, corrugated fibre-pulpboard, and fibreboard lining materials*, from the plantsite of Longview Fibre Co., located at or near Twin Falls, Idaho, to points in Delta, Mesa, and Montrose Counties, Colo., and points in Humboldt County, Nev., under a continuing contract or contracts with Longview Fibre Co.

NOTE—If a hearing is deemed necessary, applicant requests that it be held at Boise, Idaho.

No. MC 136848 (Sub-No. 17), filed October 26, 1977. Applicant: JAMES

BRUCE LEE and STANLEY LEE, d.b.a. Lee Contract Carriers, a partnership, P.O. Box 48, Old Route 66, Pontiac, Ill. 61764. Applicant's representative: Edward F. Stanula, P.O. Box 306, 837 East 162d Street, South Holland, Ill. 60473. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrought steel pipe or tubing* from the facilities of Pittsburgh-International Division of Pittsburgh Tube Co., at or near Fairbury, Ill., to Alabaster, Birmingham, Fairfield, Greenville, Jackson, Ala.; Jacksonville, Jonesboro, Little Rock, Pine Bluff, Trumann, Ark.; Hartford, New Haven, Conn.; Atlanta, Augusta, Dalton, Forest Park, Monticello, Ga.; points in Iowa; Cherrysdale, Hutchinson, Parson, Wichita, Kans.; Butler, Jeffersonton, Louisville, Nicholasville, Owensboro, Somerset, Ky.; Oakdale, La.; Baltimore, Md.; Cambridge, Boston, Fall River, Holyoke, Malden, Marlboro, Mass.; Morris, Renville, Minn.; points in Missouri; Beatrice, Fremont, Hastings, Holdrege, Omaha, Valley, Nebr.; Brooklyn, Tonawanda, N.Y.; Charlotte, Greensboro, Lewistown, Rocky Mt., N.C.; Newburgh, N. Dak.; Chickasha, El Reno, Oklahoma, City, Tulsa, Okla.; Butler, Carnegie, Easton, Monaca, Linesville, Pittsburgh, Ridgeway, Zelienople, Pa.; Ashland City, Chattanooga, Lewisburg, Loudon, Memphis, Morristown, Newport, Tenn.; Brownsville, Grand Prairie, Houston, Tex.; Warwick, R.I.; and, *Iron or steel plate or sheet*, from Birmingham, Ala.; Dearborn, Mich.; Tonawanda, N.Y.; Youngstown, and Akron, Ohio, Pittsburgh and Monaca, Pa.; to the plantsite and facilities of Pittsburgh-International Division of Pittsburgh Tube Co. at or near Fairbury, Ill., under a continuing contract, or contracts, with Pittsburgh-International Division of Pittsburgh Tube Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 138000 (Sub-No. 20), filed October 19, 1977. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Norfolk, Va., to points in Indiana, Illinois, Michigan, and Ohio. Applicant holds motor common authority in No. MC 129613 and subs thereunder, therefore dual operations may be involved.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138253 (Sub-No. 5), filed September 30, 1977. Applicant: MON-

FORT TRANSPORTATION CO., a corporation, P.O. Box G, Greeley, Colo. 80631. Applicant's representative: David R. Parker, 2310 Colorado Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities (except classes A and B explosives, household goods as defined by the commission, commodities in bulk, and commodities requiring special equipment)*, from points in the United States (except Alaska and Hawaii); to points in Colorado, Kansas, Nebraska, New Mexico, South Dakota, and Wyoming. Restricted to traffic moving under a continuing contract or contracts with Van Waters & Rogers (A Division of Univar).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 138314 (Sub-No. 5), filed October 20, 1977. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, Ill. 62301. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., and Peoria, Ill., to Jefferson City, Mo., under continuing contract or contracts with A.H. Jones Distributing Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Jefferson City, Mo. or St. Louis, Mo. Applicant holds common carrier authority in No. MC 135598 and subs thereunder, therefore dual operations may be involved.

No. MC 138328 (Sub-No. 46), filed October 17, 1977. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, Nebr. 68137. Applicant's representative: Donna Ehrlich, P.O. Box 37308, Omaha, Nebr. 68137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel doors, steel door frames, and brass, bronze, copper and steel hardware*, from the plantsite of The Ceco Corp., located at or near Milan, Tenn., to points in Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr. Applicant holds contract carrier authority in MC 133233 Sub 1 and subs thereunder, therefore dual operations may be involved.

No. MC 138328 (Sub-No. 48), filed October 26, 1977. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Highway 50, Omaha, Nebr. 68137. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor ve-

hicle, over irregular routes, transporting: (1) *Plastic pipe, plastic pipe fittings, and accessories* used in the installation thereof (except commodities in bulk, in tank vehicles and plastic pipe and fittings used in or in connection with the discovery, development, distribution of natural gas and petroleum, and their products and by-products), from the facilities of Cresline Plastic Pipe Co., Inc., at Council Bluffs, Iowa, to points in the United States (except Alaska and Hawaii), and (2) *Materials, supplies, and accessories* used in the manufacture and distribution of plastic pipe, plastic fittings, and accessories used in the installation thereof (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to the facilities of Cresline Plastic Pipe Co., Inc. at Council Bluffs, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C. Applicant holds contract carrier authority in No. MC 133233 (Sub-No. 29 and other subs); therefore dual operations may be involved.

No. MC 138446 (Sub-No. 9), filed October 14, 1977. Applicant: MURRAY'S TRANSFER & STORAGE CO., 1011 Floral Lane, Davenport, Iowa 52802. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and nonedible food products (except in bulk)*, in vehicles equipped with mechanical refrigeration, from the facilities of Terminal Ice and Cold Storage Co. located at or near Bettendorf, Iowa, to points in North Dakota, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas, Minnesota, Wisconsin, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, Maryland, West Virginia, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo.

No. MC 138627 (Sub-No. 24), filed October 18, 1977. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasterboard joint system, joint compound, tape, texturing compound, and articles* used in the manufacture thereof, from Matteson, Ill., to points in Iowa, Kansas, Minnesota, Missouri,

Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 138741 (Sub-No. 39), filed October 17, 1977. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's attorney: Tom B. Kretsinger, 910 Brookfield building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roofing, building and insulating materials* (except commodities in bulk), from the plantsite of Certain-Teed Corp., at Kansas City, Mo., to points in Illinois, Indiana, and Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo.

No. MC 138773 (Sub-No. 1), filed October 21, 1977. Applicant: EAST SOUTH EXPRESS, INC., P.O. Box 832, Bristol, Tenn. 37620. Applicant's representative: James M. Burtch, 100 East Broad Street, Suite 1800, Columbus, Ohio 43215. Authority to operate as a common carrier, over irregular routes, transporting: *Electric controllers and instruments* requiring special equipment or special handling by reason of size or weight, and parts and attachments therefor when moving in connection therewith, from points in Roanoke County, Va., to points in Florida, Georgia, Montana, North Carolina, South Carolina, Virginia, and Utah.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 138882 (Sub-No. 21), filed October 18, 1977. Applicant: WILEY SANDERS, INC., P.O. Box 621, Troy, Ala. 36081. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a common carrier, over irregular routes, transporting: *Roofing materials, composition shingles, rolled roofing, roofing compound and accessories* thereto, (except commodities in bulk), from the plantsite of Logan-Long Roofing Products, Inc., located at or near Tuscaloosa, Ala. To points in Florida, Georgia, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 138882 (Sub-No. 22), filed October 18, 1977. Applicant: WILEY SANDERS, INC., P.O. Box 621, Troy, Ala. 36081. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, over irregular routes, transporting:

Roofing and roofing materials, gypsum and gypsum products, composition board, insulation materials, urethane, and urethane products, and materials, supplies and accessories (except commodities in bulk), from the plant and warehouse facilities of the Celotex Corp., located in Wayne County, N.C. To points in Virginia, West Virginia, South Carolina, Tennessee, and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 138882 (Sub-No. 23), filed October 18, 1977. Applicant: WILEY SANDERS, INC., P.O. Box 621, Troy, Ala. 36081. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition board, insulation materials, urethane, and urethane products, and materials, supplies and accessories* (except commodities in bulk), from the plant and warehouse facilities of the Celotex Corp., located at Birmingham, Ala., to points in Tennessee, Kentucky, Florida, Georgia, South Carolina, and North Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 138900 (Sub-No. 4), filed October 25, 1977. Applicant: REID J. CAVANAUGH, R.D. No. 1, Box 27, Connelville, Pa. 15425. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Livestock feed and animal feed, livestock and animal feed ingredients, animal health products and animal health aid products*, between points in Pennsylvania on the one hand, and, on the other, points in West Virginia, Maryland, Virginia, Ohio, and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 138929 (Sub-No. 5), filed October 21, 1977. Applicant: AIR FREIGHT DELIVERY SERVICE, INC., P.O. Box 707, Winchester, Va. 22601. Applicant's representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, Va. 22611. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between Baltimore-Washington International Airport, Baltimore, Md., Dulles Interna-

tional Airport, Chantilly, Va., and Washington National Airport, Alexandria, Va., on the one hand, and, on the other, points in Virginia on and north of U.S. Highway 60 (except points in Clarke, Frederick, Shenandoah, Page, and Warren Counties, Va.), restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by air.

NOTE.—If hearing is deemed necessary, the applicant requests it be held at Charlottesville, Va.

No. MC 139091 (Sub-No. 23), filed October 12, 1977. Applicant: LOGAN MOTOR LINES, INC., 2829 Mays Street, P.O. Box 30038, Amarillo, Tex. 79120. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Kitchens of Sara Lee located at or near Deerfield and Chicago, Ill., and New Hampton, Iowa, to Memphis, Tenn., South Haven, Miss., Forrest City, Little Rock, Hope, Fort Smith, North Little Rock, Jonesboro, Van Buren, West Memphis, Mammoth Springs, El Dorado, Fayetteville, and Searcy, Ark., Phoenix and Tempe, Ariz., and Albuquerque, N. Mex., and points in Texas and Oklahoma, under a continuing contract or contracts with Kitchens of Sara Lee, located at Deerfield, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, Ill., or Omaha, Nebr.

No. MC 139402 (Sub-No. 6), filed October 17, 1977. Applicant: H. O. SMES-TAD CO., a corporation, P.O. Box 2904, Great Falls, Mont. 59403. Applicant's representative: George Robert Crotty, Jr., 400 First National Bank Building, Great Falls, Mont. 59401. Authority sought to operate as a common carrier by motor vehicle over irregular routes, transporting: *Malt and carbonated beverages and related advertising materials, equipment and supplies; empty containers on return*, from ports of entry on the International Boundary line between the United States and Canada, located in Montana, to points in Michigan, Illinois, Minnesota, North Dakota, South Dakota, Montana, Wyoming, Colorado, Idaho, Washington, Oregon, California, and Texas, restricted to traffic originating in the province of Alberta, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Great Falls, Billings, or Helena, Mont.

No. MC 139482 (Sub-No. 26), filed October 24, 1977. Applicant: NEW ULM FREIGHT LINES, INC., County Road 29 West, New Ulm, Minn. 56073. Applicant's representative: Samuel

Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk), from the plant-site and storage facilities of Hygrade Food Products Corp., located at or near Storm Lake and Cherokee, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the named origin points and destined to the named destination States.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be at Minneapolis or St. Paul, Minn.

No. MC 139584 (Sub-No. 11), filed October 13, 1977. Applicant: JOHN BUSCH, Box 211, Conyngham, Pa. 18219. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Glass laminates, lumber, chairs and tabletops* from Philadelphia, Bloomsburg, Nescopeck, and Hazleton, Pa., and New York, N.Y., to points in California, Arizona, Texas and points in that part of the United States on an east of a line beginning at the north of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the United States-Canada boundary line, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), from points in that part of the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the United States-Canada boundary line, except from Kansas City, Mo., to California.

NOTE.—If a Hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139756 (Sub-No. 5) filed October 20, 1977. Applicant: HOWARD HERLEE LISK, d.b.a. HOWARD LISK, 305 Park Road, Wadesboro, N.C. 28170. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as

a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank and hopper-type vehicles, from the facilities of AMAX Resource Recovery Systems, Inc., located at or near Roxboro and Terrell, N.C., to points in South Carolina, and Virginia, under a continuing contract, or contracts, with AMAX Resource Recovery Systems, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Greensboro, N.C., or Charlotte, N.C.

No. MC 139912 (Sub-No. 2), filed October 27, 1977. Applicant: ANTHONY PETTOLINA & SONS, INC., Turner and Mascher Streets, Philadelphia, Pa. 19122. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *floor coverings* from Philadelphia, Pa. to points in New Castle County, Del.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 139958 (Sub-No. 4), filed September 29, 1977. Applicant: R. T. TRUCK SERVICE, INC., 801 South 13th Street, Louisville, Ky. 40210. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment used in the manufacture of paper and paper products*, between the plantsite of the WesCor Corp., Hawesville, Ky., and points in Kentucky, Ohio, West Virginia, Indiana, Illinois, Michigan, Missouri, Tennessee, Georgia, and North Carolina, a nonradial movement.

NOTE.—If a hearing is deemed necessary, the applicant requests it to be held at Washington, D.C. Common control may be involved.

No. MC 140024 (Sub-No. 76), filed September 30, 1977. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, Colo. 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766* (except hides and commodities in bulk), from the plantsite and storage facilities of Swift & Co. plants located at or near Grand Island and Omaha, Nebr.; Des Moines, Glenwood, Marshalltown, and Sioux City, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 140024 (Sub-No. 79), filed October 25, 1977. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, Colo. 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766* (except commodities in bulk), from the facilities of Limon Packing Co., Inc., at or near Limon, Colo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 140033 (Sub-No. 33), filed October 26, 1977. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75220. Applicant's representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, Tex. 75245. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise dealt in by wholesale, retail, chain grocery, and food business houses*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc., at Springfield, Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. Restriction: Restricted to traffic originating at the above-named origin and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Mo., or Dallas, Tex. Applicant has applied for contract carrier authority in No. MC 142296 and Sub-No. 2; therefore dual operations may be involved.

No. MC 140033 (Sub-No. 36), filed October 27, 1977. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75220. Applicant's representative: D. Paul Stafford, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, Tex. 75245. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods (unfrozen)*, from the plantsites of Joan of Arc Co. at Hoopeston and Princeville, Ill., and May-

ville, Wis., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas Tex., or Peoria, Ill. Applicant has motor contract carrier authority pending in No. MC 142296, and Sub-No. 2 thereunder, therefore, dual operations may be involved.

No. MC 140159 (Sub-No. 3), filed October 24, 1977. Applicant: C. L. FEATHER, INC., R.D. No. 5, Box 434, Altoona, Pa. 16601. Applicant's representative: Thomas M. Mulroy, Esq., 800 Lawyers Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, (1) from points in Blair, Cambria, Clearfield, Indiana, and Westmoreland Counties, Pa., to points in Virginia; (2) from points in Blair, Cambria, Indiana, and Westmoreland Counties, Pa., to points in Maryland.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 140176 (Sub-No. 10), filed October 19, 1977. Applicant: RILEY WAYNE POWELL, d.b.a. POWELL TRUCKING CO., Route 3, Box 13, Sumrall, Miss. 39482. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Post, poles, piling*, treated or untreated, from the plantsite of Crown Zellerbach Corp. at Sallisaw, Okla., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Texas, Nebraska, New Mexico, and Wisconsin under a continuing contract or contracts with Crown Zellerbach Corp.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jackson, Miss., or New Orleans, La.

No. MC 140337 (Sub-No. 4), filed October 17, 1977. Applicant: JESSE SHERMAN, d.b.a. SHERMAN TRAILER TRANSPORTATION, P.O. Box 3343, Cheyenne, Wyo. 82001. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Swimming pools*, requiring the use of special trailer equipment, and materials, equipment, and supplies used in the installation thereof, from points in Jefferson County, Colo., to points in Arizona, Idaho, Iowa, Kansas, Montana, New Mexico, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Denver,

Colo., Salt Lake City, Utah, or Cheyenne, Wyo.

No. MC 140496 (Sub-No. 3), filed October 17, 1977. Applicant: ABLE MOVING & STORAGE CO., INC., P.O. Box 1931, Baton Rouge, La. 70821. Applicant's representative: Phil Breaux, P.O. Box 116, St. Gabriel, La. 70776. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Iberia, St. Mary, Assumption, St. James, Terrebonne, St. John the Baptist, Lafourche, St. Charles, Jefferson, St. Bernard, Plaquemine, St. Tammany, Washington, Vermillion, Cameron, Jefferson Davis, Calcasieu, Evangeline, Allen, Beauregard, Avoyelles, Vernon, Rapides, and Concordia Parishes, La., restricted to the transportation of traffic having a prior or subsequent movement beyond the points authorized in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—Applicant intends to join the above requested authority with its authority to serve the Parish of East Baton Rouge, La. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 140612 (Sub-No. 38), filed October 25, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Rossville, Bells, and Memphis, Tenn., to Chariton and Cherokee, Iowa. Restriction: Restricted to the transportation of traffic originating at the facilities of Winter Garden, Inc., at or near Rossville, Bells, and Memphis, Tenn., and destined to the above-named destinations.

NOTE.—Applicant holds contract carrier authority in No. MC 138003 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Nashville, Tenn., or Lincoln, Nebr.

No. MC 140635 (Sub-No. 4), filed October 19, 1977. Applicant: COATES FREIGHT LINES, INC., 2619 N. Street, Omaha, Nebr. 68107. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, Iowa 51104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in Descriptions in Motor Carri-

er Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) (1) from the plantsites and storage facilities of Swift & Co., located at or near Omaha, Nebr.; Des Moines, Glenwood, Marshalltown, and Sioux City, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee; and (2) from the plantsite and storage facilities of Swift & Co. located at or near Grand Island, Nebr., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. Restriction: Restricted to the transportation of shipments originating at the above-described shipper plantsite and storage facilities at or near the named origins and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Chicago, Ill. or Omaha, Nebr.

No. MC 140677 (Sub No. 18), filed October 26, 1977. Applicant: JOHN T. BREWER, JOHN R. BREWER and LEWIS L. BREWER d.b.a. BREWER TRUCKING, a Partnership, 1603 East Tallent, Rapid City, S. Dak. 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I. *Plastic pipe, plastic pipe fittings, and accessories* used in the installation thereof (except commodities in bulk, in tank vehicles and plastic pipe and fittings used in or in connection with the discovery, development, distribution of natural gas and petroleum and their products and byproducts) from the facilities of Cresline Plastic Pipe Co., Inc. at Council Bluffs, Iowa to points in the United States (except Alaska and Hawaii); and II. *Materials, supplies, and accessories* used in the manufacture and distribution of plastic pipe and plastic fittings and accessories used in the installation thereof (except commodities in bulk in tank vehicles) from points in the United States (except Alaska and Hawaii) to the facilities of Cresline Plastic Pipe Co., Inc. at Council Bluffs, Iowa.

NOTE.—If hearing is deemed necessary, applicant requests that it be held in Washington, D.C.

No. MC 140829 (Sub-No. 53), filed October 19, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Ave., Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film or sheeting* (1) Between Danville, Ky., on the one hand and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas,

Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin; (2) from South Deerfield, Mass. to Danville, Ky., restricted to traffic originating at or destined to the plantsite and/or storage facilities of Deerfield Plastics, Inc.

NOTE.—Applicant holds contract carrier authority in MC-136408 (Sub-No. 7) and other subs thereunder; therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it to be held in Washington, D.C.

No. MC 140829 (Sub-No. 59), filed October 25, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Ave., Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic sheeting*, from the plantsite and/or storage facilities utilized by Process Systems, Inc., at or near Avenel, N.J. to points in Illinois, Michigan, and California, restricted to the transportation of traffic originating at the named origin and destined to points in the above named destination States.

NOTE.—Applicant holds contract carrier authority in MC-136408 (Sub-No. 7) and other subs thereunder; therefore, dual operations may be involved. If a hearing is deemed necessary the applicant requests it to be held in Washington, D.C.

No. MC 140829 (Sub-No. 61), filed October 26, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Ave., Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and/or warehouse facilities utilized by Ocean Spray Cranberries, Inc. at or near Kenosha, Wis. and North Chicago, Ill. to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas, restricted to the transportation of traffic originating at the named origins and destined to points in the above named destination States.

NOTE.—Applicant holds contract carrier authority in MC-136408 (Sub-No. 7) and other subs thereunder; therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it to be held in Washington, D.C.

No. MC 141245 (Sub-No. 4), filed September 29, 1977. Applicant: BARRETT TRUCKING CO., INC., 16 Austin Drive, Burlington, Vt. 05401. Applicant's representative: Brian L. Troiano, 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by

motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from the facilities of the Jos. Schlitz Brewing Co. and those of Onondaga Imports, located at or near Syracuse, N.Y. to points in Vermont and (2) *Empty malt beverage containers*, from the above named destinations to the above named origins.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Burlington, Vt. or Washington, D.C.

No. MC 141457 (Sub-No. 1), filed October 17, 1977. Applicant: RELIABLE AUTO WRECKERS, INC., 2400 East Monroe, Yuma, Ariz. 85364. Applicant's representative: Donald E. Fernaays, suite 320, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems*, (2) *parts, pipe, machinery, accessories and equipment* for commodities in (1) above (except commodities in bulk and commodities because of size or weight requiring special equipment), and (3) *aluminum irrigation pipe*, between Riverside and Imperial Counties, Calif. on the one hand and, on the other, points in Arizona.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at Yuma, Ariz., or El Centro, Calif.

No. MC 141575 (Sub-No. 6), filed October 20, 1977. Applicant: TFS, INC., Box 126, Rural Route 2, Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dehydrated alfalfa*, from Buffalo, Hall, and Dawson Counties, Nebr., to points in California, Illinois, North Dakota, South Dakota, Texas, and Missouri; (2) *salt and salt products*, from Lyons and Hutchinson, Kans. to Grand Island, Nebr.; (3) *dry fertilizer*, (a) from Eddy and Lea Counties, N. Mex., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Nebraska, and South Dakota, and (b) from Joplin, Mo. and Billings, Mont., to points in Nebraska; (4) *bentonite*, from Belle Fourche, S. Dak. and Upton, Wyo., to Grand Island, Nebr.; (5) *Cottoncake*, from Pinal, Cochise, Graham, and Maricopa Counties, Ariz.; El Paso and Lubbock, Tex., to points in New Mexico, Nebraska, Wyoming, South Dakota, Texas, Colorado, Kansas, and Montana; and (6) *soybean meal*, from points in Nebraska; Sioux City, Iowa; Sioux Falls, S. Dak.; St. Paul and Austin, Minn.; and Cherokee, Iowa, to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, and Utah, under a continuing contract, or contracts, with Ag Service, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Lincoln, Nebr., or Grand Island, Nebr.

No. MC 141602 (Sub-No. 5), filed October 17, 1977. Applicant: AUTO & TRUCK FORWARDING, INC., 1989 Marina Boulevard, San Leandro, Calif. 94577. Applicant's representative: Paul E. LaRose, 2436 Bluff, Niles, Mich. 49120. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *trucks, truck tractors, and truck chassis*, in initial movements, in driveway and truckaway service, from the plantsite of Mack Western at Hayward, Calif. to points in the United States (including Alaska but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 141804 (Sub-No. 87), filed October 17, 1977. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 422, Goodlettsville, Tenn. 37072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except meats, and meat products, and meat by-products; fresh, frozen or preserved dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C, of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766; fresh or frozen foodstuffs; commodities in bulk; those requiring specialized equipment for their loading, unloading, or transportation and except explosives), restricted to those commodities which are at the time moving under the provisions of bills of lading of freight forwarders of Part IV of the Interstate Commerce Act, from Phoenix, Ariz., to New York, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Los Angeles, Calif., or New York, N.Y.

No. MC 141914 (Sub-No. 22), filed September 29, 1977. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, Okla. 74332. Applicant's representative: Kathrena J. Franks, Route 1, Box 108A, Big Cabin, Okla. 74332. Authority sought by applicant to operate as a *common carrier*, by motor vehicle, in interstate and foreign commerce, over irregular routes, transporting: *Wooden products such as ice cream sticks and spoons, coffee stirrers, cocktail forks, skewers, tongue depressors, and cervical scrapers*, from Guilford, Maine, to points in Arizona, Texas, Kansas, Missouri, Nebraska, North Dakota, Minnesota, Wisconsin, Tennessee, Louisiana, Florida, Georgia, and Arkansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 141914 (Sub-No. 25), filed October 25, 1977. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, Okla. 74332. Applicant's representative: Kathrena J. Franks, Route 1, Box, 108A, Big Cabin, Okla. 74332. Authority sought by applicant to operate as a common carrier, by motor vehicle, in interstate and foreign commerce, over irregular routes, transporting: *Wire, plastic articles, and corrugated containers* from points in New York and Massachusetts to Wilton, Maine, restricted to shipments destined to the plantsites of Forster Manufacturing Co., located at or near Wilton, Maine.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Tulsa, Okla.

No. MC 142168 (Sub-No. 1), filed September 29, 1977. Applicant: CARL HARMON d.b.a. CARL'S BUTTON & STITCH, Route 613 East, P.O. Box 424, Payne, Ohio 45880. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Plumbers fittings, nuts and bolts, horseshoe and foundry nails, sawblades and sawblade parts, tools, wedges, pumps, pump parts, internal combustion engine parts, sinks and store display racks*, from the plantsite of Stanadyne, Inc., Stanscrew/Capewell Division, located at Garrett, Ind., to Miami, Fla.; (2) *Powdered metal*, from Riverton, N.J. to the plant site and warehouse facilities of Stanadyne, Inc., Stanscrew/Capewell Division, located at Garrett, Ind.; (3) *Stainless steel sinks, faucets, plumbers fittings and displays*, from Pine Grove, Pa., to the plantsite and warehouse facilities of Stanadyne, Inc., Stanscrew/Capewell Division, located at Garrett, Ind. Restriction: Restricted to traffic originating at and destined to the named points of origin and named destination.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 142368 (Sub-No. 4), filed October 26, 1977. Applicant: DANNY HERMAN TRUCKING, INC., 15252 Valley Boulevard, City of Industry, Calif. 91744. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Cartons, knocked down flat*, other than corrugated from Compton, Calif., to points in Maricopa, Pinal, and Pima Counties, Ariz., and (2) *Empty pallets* from Maricopa, Pinal, and Pima Counties, Ariz., to Compton, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Los Angeles, Calif.

No. MC 142693 (Sub-No. 1) (Amendment), filed June 24, 1977, published in the FEDERAL REGISTER issue of August 18, 1977, and republished, as amended, this issue. Applicant: CUSTOM DELIVERIES, INC., 24680 Mound Road, Warren, Mich. 48091. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories, and related publications, advertising material and packaging and shipping supplies*, between the distribution and consolidation facilities of Chrysler Corp., Service and Parts Division, located at Cook County, Ill.; Cuyahoga and Franklin Counties, Ohio; Marion County, Ind.; New Castle County, Del.; Rockland County, N.Y.; Middlesex County, Mass.; Allegheny County, Pa.; and Wayne and Macomb Counties, Mich., on the one hand, and, on the other, points in Michigan, Wisconsin, Illinois, Indiana, Ohio, Kentucky, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia, under continuing contract or contracts with Chrysler Corp. Restriction: The service authorized herein is restricted to shipments not to exceed 10,000 pounds.

NOTE.—Common control and dual operations may be involved. The purpose of this publication is to expand the territorial scope of the application by adding Macomb County, Mich. The proceeding has been assigned for hearing on January 26, 1978, at 9:30 a.m., at the offices of the Interstate Commerce Commission in Washington, D.C.

No. MC 142711 (Sub-No. 2), filed October 16, 1977. Applicant: BERRYMAN TRANSFER & STORAGE CO., INC., 1830 Mound Road, Joliet, Ill. 60436. Applicant's representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Corrugated paper and corrugated paper products and supplies and materials and machinery used in the manufacture, sale and distribution of corrugated paper and corrugated paper products*, between the plantsite of Hoerner Waldorf-Champion International Corp., located at or near Joliet, Ill., and points in Indiana, Ohio, Michigan, and Wisconsin, under a continuing contract or contracts with Hoerner Waldorf-Champion International Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 143075 (Sub-No. 1), filed September 29, 1977. Applicant:

HAROLD AND CHARLENE BRENDLER, d.b.a. NORTHWEST PRODUCE EXPRESS, 4632 Southeast 79th Avenue, Portland, Ore. 97206. Applicant's representative: Philip G. Skofstad, P.O. Box 594, Gresham, Ore. 97030. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Dairy products, food requiring refrigeration, glassware, grocery products, paper products and plastic jugs and commodities otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act when moving in mixed shipments with dairy products, food requiring refrigeration, glassware, grocery products, paper products and plastic jugs*, between Salem, Beaverton, Portland, and Pendleton, Ore., on the one hand, and, on the other, Yakima, Pasco, and Walla Walla, Wash., and Lewiston, Idaho, under a continuing contract or contracts with Pacific Gamble Robinson, d.b.a. Pacific Fruit and Produce, P.D.Q. Institutional Food, and Walla Walla Produce Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Portland, Ore.

No. MC 143084 (Sub-No. 1), filed October 12, 1977. Applicant: OKLAHOMA WESTERN LINES, INC., Route 2, Checotah, Okla. 74426. Applicant's representative: A. Doyle Clout, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures and equipment, crated*, from the plantsite of Durability Interiors, Inc., located at or near Tulsa, Okla., to points in the United States, (except Alaska and Hawaii), under a continuing contract or contracts with Durability Interiors, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 143094 (Sub-No. 2), filed October 24, 1977. Applicant: ADS TRANSPORTATION, INC., 4 Kent Road, York, Pa. 17402. Applicant's representative: Jay L. Rosenbluth, Tenth Floor, 1201 Chestnut Street, Philadelphia, Pa. 19107. Authority sought to transport as a contract carrier, by motor vehicle, over irregular routes: *Aluminum slabs, t-ingots, billets and sows*, from Eastalco Aluminum Co., Frederick, Md., to Mill Products, Division of Howmet Corp., Mannheim Pike, Lancaster, Lancaster County, Pa., under a continuing contract, or contracts, with Mill Products, Division of Howmet Corp., Mannheim Pike, Lancaster, Lancaster County, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at

either Philadelphia, Pa., or Washington, D.C.

No. MC 143161 (Sub-No. 2), filed September 30, 1977. Applicant: BEVERAGE TRANSPORT, INC., Box 13515, 1210 Bluff Road, Columbia, S.C. 29201. Applicant's representative: Harry S. Dent, P.O. Box 528, Columbia, S.C. 29202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Non-alcoholic beverages and soft drinks and materials, supplies, and equipment* used in the manufacture, mixing, distribution, and sale of non-alcoholic beverages and soft drinks, from the plantsite of Carolina Cannery, Inc., located at Cheraw, S.C. on the one hand, and on the other hand, points in North Carolina; Georgia; Virginia; West Virginia; Kentucky; Gainesville, Fla.; Jacksonville, Fla.; Johnson City, Tenn.; Knoxville, Tenn.; Philadelphia, Pa.; Allentown, Pa.; Mt. Vernon, N.Y.; Cheverly, Md.; Forestville, Md.; Salisbury, Md.; Silver Spring, Md.; Teterboro, N.J.; Caldwell, N.J.; Kearny, N.J.; Brunswick, N.J., and Washington, D.C., under a continuing contract or contracts, with Carolina Cannery, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Columbia, S.C., or Atlanta, Ga.

No. MC 143271 (Sub-No. 1), filed October 20, 1977. Applicant: CAPITAL CITY TRUCK GARAGE AND TRUCKING CO., INC., 3017 Trawick Road, Raleigh, N.C. 27604. Applicant's representative: Robert T. Hedrick, 3311 North Boulevard, Raleigh, N.C. 27604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and pineapples*, from New York, N.Y.; Newark, N.J.; Wilmington, Del.; Baltimore, Md.; Charleston, S.C.; Tampa, Fla.; and Gulfport, Miss., to points in North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 143375 (Sub-No. 1), filed October 26, 1977. Applicant: PROVOST INDUSTRIAL TANKERS LTD., 90 North Queen St., Toronto, Ontario. M8Z 2D9. Applicant's representative: J. P. Vermette, 7887 Grenache, Ville d'Anjou, Quebec, Canada. H1J 1C4. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the Ports of Entry on the International Boundary Line between the United States and Canada located in Michigan, to points in Michigan, Ohio, and Indiana. Restricted to the transportation of traffic having an immediately prior movement in foreign commerce.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the appli-

cant requests it be held at Buffalo, N.Y., or Detroit, Mich.

No. MC 143447 (Sub-No. 1), filed October 20, 1977. Applicant: LATIN AMERICAN EXPRESS CORP., 7300 NW. 41st Street, Miami, Fla. 33155. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Dade, Broward, Palm Beach, Collier, and Monroe Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 143553 (Sub-No. 2), filed October 21, 1977. Applicant: WY TRUCKING INC., P.O. Box 236, Versailles, Conn. 06383. Applicant's representative: David M. Marshall, 101 State Street, suite 304, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Paper, paper products, and supplies and materials*, used in the manufacture, sale and distribution of paper and paper products (except commodities in bulk), between the facilities of The Federal Paper Board Co., Inc., located in the United States, on the one hand, and, on the other, points in the United States, (excluding Alaska and Hawaii) but including ports of entry on the international boundary line between the United States and Canada, under a continuing contract or contracts with The Federal Paper Board Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn., Boston, Mass., or Washington, D.C.

No. MC 143610 (Sub-No. 3), filed October 19, 1977. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, Ariz. 85301. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in section A and C of appendix I to the report in Description in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite of Columbia Foods, Inc., at or near Wallula, Wash., to points in Arizona,

California, and Utah, under a continuing contract or contracts with Columbia Foods, Inc., a subsidiary of Iowa Beef Processors, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux City, Iowa.

No. MC 143622 (Sub-No. 2), filed October 20, 1977. Applicant: W. J. HINKLE, 1300 26th Street, Shawmut, Ala. 36876. Applicant's representative: Archie B. Culbreth, suite 246, 1252 West Peachtree Street, NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, in dump trucks or trailers, from Macon County, Ala. to West Point, Ga. (2) *agricultural lime*, in dump trucks or trailers, from the plantsite of Southern Stone Co. at or near Auburn, Ala., to the Byrd Farm Center, Butler, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 143631 (Sub-No. 1), filed October 3, 1977. Applicant: Kenneth L. Rodgers, doing business as RODGERS TRUCKING, 809 Moall Drive, Prescott, Ariz. 86301. Applicant's representative: Kenneth L. Rodgers (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden Products, including wooden poles and posts, specially designed flatbed equipment*, (1) from Prescott, Ariz., to points in California, Colorado, New Mexico, Oklahoma, Texas, Nevada and Utah, and (2) from Reserve, N. Mex. to Prescott, Ariz., under a continuing contract with Southwest Forest Industries, Phoenix, Ariz.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Phoenix, Ariz.

No. MC 143636 (Sub-No. 1), filed October 20, 1977. Applicant: RON SMITH TRUCKING, INC., an Illinois corporation, R.R. No. 3, Arcola, Ill. 61910. Applicant's representative: John L. Junkins, R.R. No. 3, Arcola, Ill. 61910. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal* in bulk in dump vehicles, from points in Douglas, Edgar, and Vermillion Counties, Ill., to the facilities of Public Service Co. of Indiana, Inc. in Vermillion and Vigo Counties, Ind.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at either Springfield, Ill., or St. Louis, Mo.

No. MC 143652, filed August 29, 1977. Applicant: RESOURCE RECOVERY CORP., 5501 Airport Way South, Seattle, Wash. 98104. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid, semi-liquid and solid hazardous waste and/or radioactive wastes*, between Washington, Oregon, Idaho, and California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Seattle or Tacoma, Wash.

No. MC 143669 (Sub-No. 1), filed October 21, 1977. Applicant: TOWPICH EXPRESS LINES, LTD., 2840 58th Avenue SE., Calgary, Alberta, Canada T2C 0B3. Applicant's representative: George Robert Crotty, Jr., 400 First National Bank Building, Great Falls, Mont. 59401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural fertilizers, herbicides, fungicides, pesticides, insecticides, and ingredients thereof*, in oceangoing containers on specially designed wheeled undercarriages, having a prior water-rail move in foreign commerce, from port of entry at the United States-Canadian International boundary line at or near Sweetgrass, Mont., to points in Montana, Idaho, Washington, and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Great Falls, Helena, or Billings, Mont.

No. MC 143691 (Sub-No. 1), filed October 18, 1977. Applicant: PONY EXPRESS COURIER CORP., P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought as a contract carrier, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, food stamps, data processing media, and microfilm*, as used in the operations of banks and banking institutions under a continuing contract or contracts with banks and banking institutions, between New Orleans, La., on the one hand, and, on the other, points in Baldwin and Mobile Counties, Ala., and points in Issaquena, Sharkey, Yazoo, Madison, Leake, Neshoba, and Kemper Counties, Miss., and all points in Mississippi south of those counties.

NOTE.—Common control may be involved. Applicant has motor common carrier authority pending in No. MC 142330 (Sub-No. 5), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or New Orleans, La.

No. MC 143789 (Sub-No. 1), filed October 27, 1977. Applicant: MARTIN TRANSFER & STORAGE, INC., P.O. Box 3008, No. 505 Broad Street, East Dublin, Ga. 31021. Applicant's representative: C. E. Walker, P.O. Box 1085, Columbus, Ga. 31902. Authority sought to operate as a common carrier, in the transportation of general

commodities (except commodities in bulk), in shipper or railroad-owned trailers, having a prior or subsequent movement by railroad, between Dublin, Vidalia, and Helena, Ga., on the one hand, and on the other, points in Bleckley, Burke, Crisp, Coffee, Dodge, Emanuel, Jeff Davis, Jones, Laurens, Montgomery, Pulaski, Telfair, Tift, Toombs, Treutlen, Twiggs, Wheeler, and Wilkinson Counties, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dublin or Macon, Ga.

No. MC 143790 (Sub-No. 3), filed October 17, 1977. Applicant: FEDERAL FREIGHT SYSTEM, INC., 30650 Carter Road, Solon, Ohio 44319. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority is sought as a common carrier, over irregular routes, in the transportation of: (1) *Stoves, ranges, ovens, disposers, dishwashers, compactors, refrigerators, freezers, household appliances, kitchen equipment and parts for each of such items*, (a) from Nashville and Springfield, Tenn. to points in the United States (except Tennessee) in and east of the States of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, (b) from Dalton, Ga. to points in the United States (except Georgia) in and east of the States of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, (c) from Murray, Ky. to points in the United States (except Kentucky) in and east of the States of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, (d) from Findlay, Ohio to Nashville, Tenn., (e) from Galesburg, Ill. to Nashville, Tenn., (f) from Connersville, Ind. to Nashville, Tenn., (2) *stoves, ranges, ovens, disposers, dishwashers, compactors, refrigerators, freezers, washers, dryers, household appliances, kitchen equipment, and parts for each of such items*, from Mansfield, Ohio, to points in the United States (except Ohio) in and east of the States of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—If a hearing is deemed needed, applicant requests it be held at Columbus, Ohio. Common control may be involved.

No. MC 143794, filed October 20, 1977. Applicant: EAST-WEST MOTOR FREIGHT, INC., 7270 Hobgood Road, Fairburn, Ga. 30213. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a contract carrier, over irregular routes, transporting: *Plastic disposable health care products and such materials, equipment and supplies as are utilized by hospitals, nursing homes, health care centers, and laboratories*, between Irwindale, Calif., El Paso, Tex., Johnson City, Tenn., and Tucson, Ariz., and points in California, Arizona, Texas, Georgia,

Tennessee, and Ohio. Restrictions: The operations authorized herein are restricted to the following conditions: (1) Said operations are restricted to the transportation of shipments originating at or destined to the plantsites or distribution facilities of American Hospital Supply Corp., Pharmaseal Laboratories Division, (2) said operations are limited to a transportation service to be performed under a contract or continuing contract with American Hospital Supply Corp., Pharmaseal Laboratories Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Atlanta, Ga.

No. MC 143798, filed September 30, 1977. Applicant: HAROLD MEYER, d.b.a. MEYER TRANSFER & STORAGE CO., P.O. Box 87, South Houston, Tex. 77587. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Harris, Montgomery, Fort Bend, Galveston, Brazoria, Waller, Liberty, Chambers, Jefferson, Hardin, Tyler, Polk, San Jacinto, Walker, Trinity, Houston, Leon, Madison, Austin, Colo.; Wharton, Jackson, and Matagorda Counties, Tex., restricted to the transportation of shipments having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization, or the unpacking, uncrating, or decontainerization of household goods.

NOTE.—If a hearing is necessary, the applicant requests it be held at Houston, Tex.

No. MC 143799, filed September 30, 1977. Applicant: SPECIALTY TRANSPORT, INC., 15 Fifth Street, Morrisville, Pa. 19067. Applicant's representative: Joseph F. Hoary, 121 South Main street, Taylor, Pa. 18517. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, in the transportation of: *Used gas meters*, from New York, N.Y., to (Neville Island) Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Birmingham, Ala.

No. MC 143800, filed September 30, 1977. Applicant: GENE ALIFF d.b.a. GNA TRUCKING, 22208 134th Street East, Sumner, Wash. 98390. Applicant's representative: George R. La-Bissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority to operate as a contract carrier, over irregular routes, in the transportation of: *Dry macaroni, noodles, and spaghetti products*, from Kent, Wash., to points

in Oregon, California, Idaho, Utah, Montana, Arizona, Texas, Nevada, Wyoming, New Mexico, Colorado, and Oklahoma, under a continuing contract or contracts, with Major Italian Foods Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 143831, filed October 5, 1977. Applicant: CLIFF VISSMAN, INC., Clarkfield, Minn. 56223. Applicant's representative: Arthur F. Blaufuss, 310 West College Drive, Marshall, Minn. 56258. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Beer, from Milwaukee, Wis., to New Prague, Minn., and from New Prague, Minn., to Milwaukee, Wis., under a continuing contract, or contracts, with Tri-County Beverage Service, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, New Prague, or Marshall, Minn.

No. MC 143846 (Sub-No. 1), filed October 17, 1977. Applicant: P. POSA, INC., 315 Feather Lane, Franklin Lakes, N.J. 07417. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in or used in the operation of retail department stores, between New York, N.Y., and North Bergen, N.J., on the one hand, and, on the other, Harrisburg, Reading, Levittown, Camphill, Lebanon, Wyomissing, Wilkes-Barre, Pottsville, Wyoming, Bloomsburg, Bath, Dorrance, Philadelphia, and Bethlehem, Pa.; Wilmington, Del.; Trumbull, Bridgeport, Bristol, and Danbury, Conn.; and Boston, North Quincy, Auburndale, and Somerville, Mass., under a continuing contract or contracts with Allied Stores Marketing Corp. of New York, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 143853, filed October 17, 1977. Applicant: SME EXPRESS, INC., P.O. Box 571, Upland, Ind. 46989. Applicant's representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, Va. 22150. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Printed matter, from Rockville, Md., to Corinth, Miss., under contract with Fawcett Printing Co., at Rockville, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 143860 (Sub-No. 1), filed October 17, 1977. Applicant: RAYNOR'S

TRUCKING, INC., 750 Watervleit Shaker Road, Albany, N.Y. 12211. Applicant's representative: Michael J. Shepard, 28 North Street, Pittsfield, Mass. 01201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Auto parts and accessories, including tires and batteries, from Latham, N.Y., to points in Vermont, points in Berkshire County, Mass., and points in Litchfield County, Conn., under a continuing contract or contracts with Genuine Parts Co. d.b.a. NAPA of Atlanta, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn. or Albany, N.Y.

No. MC 143867 (Sub-No. 1), filed October 17, 1977. Applicant: SINGER CONTRACTING CO., INC., P.O. Box 218, Lumpkin, Ga. 31815. Applicant's representative: Ralph B. Matthews, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes transporting: Sawdust, bark, shavings, and wood residue, from points in Stewart, Randolph, and Webster Counties, Ga., to points in Alabama.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga.

No. MC 143877, filed October 26, 1977. Applicant: ROBERT C. PEARCE, d.b.a. PEARCE TRUCKING CO., 260 South Hibbert, Mesa, Ariz. 85201. Applicant's representative: Ronald Wiltbank, 1419 East Main Street, Mesa, Ariz. 85203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, from Golden, Colo., to Phoenix, Ariz., and its commercial zone and return with empty malt beverage containers and frozen processed foods from Phoenix, Ariz., and its commercial zone to Denver, Colo., and its commercial zone.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Phoenix, Ariz.

No. MC 143880, filed October 20, 1977. Applicant: TOM'S TRUCKING INC., 7215 Cahill Road, Edina, Minn. 55435. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, serving Gabbert's, Inc., in the transportation of: Furniture, carpeting, and household, office, and institutional furnishings, from Edina, Minn., to points in Barron, Burnett, Dunn, Pepin, Pierce, Polk, St. Croix, and Washburn Counties, Wis., under a continuing contract or contracts, with Gabbert's, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Minneapolis, Minn.

No. MC 143926, filed October 27, 1977. Applicant: CONSOLIDATED CARRIERS CORP., 3838 Tuckaseegee Rd. Charlotte, N.C. 28214. Applicant's representative: Eric Meierhoefer, Suite 712, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Ornaments and decorations, and materials and supplies used in the manufacture and sale thereof, between the facilities of Rauch Industries Inc. located at or near Gastonia, N.C., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Rauch Industries Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Charlotte, N.C.

No. MC 1515 (Sub-No. 241), filed October 17, 1977. Applicant: GREY-HOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (Same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers and their baggage and express and newspapers, in the same vehicle with passengers, between Dallas and Houston, Tex. serving no intermediate points: from Dallas, Tex. over Interstate Highway 45 to Houston, Tex. and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Houston, Tex.

No. MC 121684 (Sub-No. 3), filed October 11, 1977. Applicant: ORLANDO TRANSIT CO. a corporation, P.O. Box 1671, Orlando, Fla. 32802. Applicant's representative: S. Harrison Kahn, suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting (1.) Passengers and their baggage, (A) between Orlando, Fla. and Walt Disney World Theme Park, serving all intermediate points, (1) from Orlando south over Interstate Highway 4 to its intersection with State Road 535, thence over State Road 535 to Walt Disney World Theme Park, and return over the same route; (2) from Orlando south over Interstate Highway 4 to its intersection with U.S. Highway 192, thence over U.S. Highway 192 to Walt Disney World Theme Park, and return over the same route; (3) from Orlando south over U.S. Highway 17—U.S. Highway 92 to Kissimmee, Fla., and thence over U.S. Highway 192 to Walt Disney World Theme Park and return over the same route; (4) from Orlando north over Interstate Highway 4 to its intersection with State Road 436,

thence over State Road 436 to its intersection with Beeline Expressway (State Road 528), thence over Beeline Expressway (State Road 528), to its intersection with Interstate Highway 4, thence over Interstate Highway 4 to its intersection with U.S. Highway 192, thence over Interstate Highway 192 to Walt Disney World Theme Park, and return over the same route; (5) from Orlando west over State Road 50 to its intersection with U.S. Highway 27, thence over U.S. Highway 27 to its intersection with U.S. Highway 192, thence over U.S. Highway 192 to Walt Disney World Theme Park, and return over the same route; (6) from Orlando east over State Road 50 to its intersection with State Road 15A, thence over State Road 15A to its intersection with U.S. Highway 192, thence over U.S. Highway 192 to Walt Disney World Theme Park, and return over the same route; (7) from Orlando over Interstate Highway 4 to its intersection with U.S. Highway 27, thence over U.S. Highway 27 to its intersection with U.S. Highway 192, thence over U.S. Highway 192 to Walt Disney World Theme Park, and return over the same route; (B) between Winter Garden, Fla. and Walt Disney World Theme Park, serving all intermediate points, (1) from Winter Garden south over State Road 535 and Reams Road to Walt Disney World Theme Park, and return over the same route; (2) from Winter Garden south over State Road 545 to its junction with U.S. Highway 192, thence over U.S. Highway 192 to Walt Disney World Theme Park, and return over the same route; and (II) over irregular routes, *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round trip sight-seeing and pleasure tours, (A) beginning and ending at Orlando, Fla., and extending to NASA Spaceport at or near Cape Canaveral, Fla.; (B) beginning and ending at Orlando, Fla., and extending to Cypress Gardens, Fla.; (C) beginning and ending at Orlando, Fla., and extending to St. Augustine, Fla.; (D) beginning and ending at Orlando and extending to Rainbow Springs, Fla.; (E) beginning and ending at Orlando and extending to Tampa, Fla.; and (F) beginning and ending at Orlando, Fla., and extending to Busch Gardens, at or near Tampa, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla.

No. MC 143592 (Sub-No. 3), filed October 17, 1977. Applicant: EDWARDS TRUCKING CO., INC., P.O. Box 123, Clinton, Md. 20735. Applicant's representative: James E. Savitz, suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting:

Passengers who are employees of the Consolidated Rail Corporation and their baggage, between points in Maryland, Virginia, Delaware, Pennsylvania, and the District of Columbia, under a continuing contract or contracts with Consolidated Rail Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 143837, filed October 12, 1977. Applicant: GOOD WILL TOURS, INC., 222 South Main Street, Erie, Kans. 66733. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sight-seeing and pleasure tours that involve transportation by motor vehicle for the entire trip or by a combination of motor vehicle and other modes of transportation between points in the United States including Alaska and Hawaii, restricted to tours that begin and end in Kansas, and/or Jackson, Clay and Platte Counties, Mo. and to passengers who join or leave the tours in Kansas, and/or Jackson, Clay or Platte Counties, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 143881, filed October 17, 1977. Applicant: HOTARD COACHES, INC., 716 Deckbar Avenue, Jefferson, La. 70121. Applicant's representative: Marshall J. Favret, Fifth Floor, Hibernia Bank Building, New Orleans, La. 70112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip, special, and charter operations, beginning and ending at points in Louisiana, and extending to points in Alabama, Florida, Georgia, Mississippi, Tennessee, Texas, South Carolina, N. Carolina, Virginia, W. Virginia, Kentucky, Ohio, Indiana, Illinois, Michigan, Missouri, Arkansas, Oklahoma, New Mexico, Arizona, California, Nevada, and Colorado.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New Orleans, La.

No. MC 143882, filed October 17, 1977. Applicant: ALTON AIZEN d.b.a., AIZEN BUS LINES, 907 Lafourche Drive, Thibodaux, La. 70301. Applicant's representative: Ralph D. Hillman, P.O. Box 1062, Thibodaux, La. 70301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage*, in charter operations, beginning and ending in Lafourche, Assumption, and Terrebonne Parishes of La. and extending to any

point in Texas, Mississippi, Alabama, Tennessee, Florida, Georgia, and Arkansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Thibodaux, Houma, or New Orleans, La.

No. FF-56 (Sub-No. 7), filed October 20, 1977. Applicant: SUPERIOR FAST FREIGHT, a corporation, 611 North Mission Road, P.O. Box 60100, Terminal Annex, Los Angeles, Calif. 90060. Applicant's representative: Michael J. Stecher, 256 Montgomery Street, San Francisco, Calif. 94104. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through the use of the facilities of common carriers by rail, motor vehicle, water and express, in the transportation of: *General commodities* (except in bulk), between points in Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Kansas, Iowa, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Los Angeles, Calif., Portland, Oreg., or Seattle, Wash.

No. W 809 (Sub-No. 8), filed October 20, 1977. Applicant: TIDEWATER BARGE LINES, INC., General Offices—6 Beach Drive, Vancouver, Wash. 98661. Applicant's representative: Robt. R. Hollis, 400 Pacific Bldg., Portland, Oreg. 97204. Authority sought to operate as a *common carrier* by water; by self-propelled and non-self-propelled vessels with the use of separate towing vessels and by towing vessels in the performance of general towage: *General commodities*, between ports and points in Idaho on the Clear Water River from its confluence with the Snake River to Hog Island, Idaho.

NOTE.—The intention is to tack to and extend applicant's present authority in order to permit service between the portions of the Clear Water River covered by the application and all points and places on applicant's existing certificates. If a hearing is deemed necessary, applicant requests that it be held at Portland, Oreg. Common control may be involved.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after

the date of this FEDERAL REGISTER notice. Such protests 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.

No. MC-F-13308 (Correction) (RISS INTERNATIONAL CORPORATION—PURCHASE—KOWALSKY'S EXPRESS SERVICE), published in the October 20, 1977, issue of the FEDERAL REGISTER, on page 55976. The caption of that notice read "(KOWALSKY'S EXPRESS SERVICE—PURCHASE—KOWALSKY'S EXPRESS SERVICE)" and should have read "(RISS INTERNATIONAL CORPORATION—PURCHASE—KOWALSKY'S EXPRESS SERVICE)".

No. MC-F-13343 (correction) (KROBLIN REFRIGERATED XPRESS, INC., Purchase (portion), SCHULTZ TRANSIT, INC.), published in the October 6, 1977, issue of the FEDERAL REGISTER. Prior notice should read as follows: Operating rights sought to be transferred: Agricultural chemicals, except in bulk, over irregular routes as a common carrier from Muscatine, Iowa, to points in Georgia, North Carolina, and South Carolina, restricted to traffic originating at the facilities of Monsanto Chemical Co., at or near Muscatine, Iowa, and destined to named States.

No. MC-F-13359 (correction) (NUSSBERGER BROS. TRUCKING CO., INC., Purchase (portion), ROBERT J. GRALL), published in the October 20, 1977, issue of the FEDERAL REGISTER on pages 55978-55979. The following description of authority being sought was inadvertently omitted: Lumber, from Ironwood, Mich., to points in the Lower Peninsula of Michigan; (Certificate of Public Convenience and Necessity No. MC-119406 (Sub-No. 5), Robert J. Grall).

No. MC-F-13389 (MATSON TRUCK LINES, INC., Purchase (portion), JACK LINK TRUCK LINE, INC.), published in the November 17, 1977, issue of the FEDERAL REGISTER. Application filed November 22, 1977, for temporary authority under section 210a(b).

No. MC-F-13391. Authority sought for purchase by MOMSEN TRUCKING CO., P.O. Box 37490, Omaha, Nebr., 68137, of a portion of the operating rights of IOWA PACKERS XPRESS, INC., P.O. Box 231, Spencer, Iowa 51301, and for acquisition by MOMSEN TRUCKING CO., of control of such rights through the purchase. Applicant's attorney: Scott E.

Daniel, P.O. Box 82028, Lincoln, Nebr., 68501. Operating rights sought to be transferred: Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61, M.C.C. 209 and 766 (except commodities in bulk and hides), as a common carrier, over irregular routes, from the facilities of Raskin Packing Co., Inc., located at or near Mankato, Kans., and Sioux City, Iowa, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. Restrictions: The authority granted herein is restricted to the transportation of shipments originating at the above-named origin points and destined to the above-described destination points. Vendee is authorized to operate as a common carrier in Kansas, Iowa, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, Missouri, Illinois, Indiana, Ohio, and Kentucky (as applicable herein). Application has been filed for temporary authority under section 210a(b).

NOTE.—Vendee also has authority to operate as a contract carrier in New York, Pennsylvania, Ohio, Indiana, and portions of Michigan and Illinois (see MC-128342).

No. MC-F-13400 (correction) (OVERNITE TRANSPORTATION COMPANY, purchase, ST. LOUIS-KANSAS CITY EXPRESS, INC.), published in the November 17, 1977, issue of the FEDERAL REGISTER, on page 59465. Previous notice should have read as follows: In route (4) "Connotts Mill" should have read "Bonnotts Mill", and in route (5) the following points were omitted: Gerald, Leslie, Beaufort, Union, Jeffriesburg, Algons, and Freedom. Vendee is also authorized to operate in Arkansas, Mississippi, and Pennsylvania.

No. MC-F-13427. Application under Section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of service. Applicants: CONSOLIDATED FREIGHTWAYS CORP., OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., 94024; (A) CANANDAIGUA EXPRESS, INC., P.O. Box 161, Canandaigua, N.Y., 14424, MC 133129; (B) COLONIAL TRUCKING, INC., 70 Western Avenue, Allston, Massachusetts, 120134, MC 120799; (C) EARL S. FREY, d.b.a. FREY'S MOTOR EXPRESS, Fox Farm Road, Phillipsburg, N.J., MC 64423; (D) RAYMOND F. MELANDER, d.b.a. SHOREY'S EXPRESS, 270 Malta Avenue, Ballston Spa, N.Y., MC 71084; (E) TACY'S EXPRESS, INC., 550 South Street, Rens-

selaer, N.Y., 12144, MC 81831; (F) SALSOKOV TRANSFER, 214 East Park St., Emmett, Idaho, 83617, MC 101998, seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between: (A) Points to be offered under pooling agreement; point of Interchange-Rochester, N.Y., Point (New York) Lyons, Newark and Port Gibson; (B) Points to be covered under pooling agreement: points in Massachusetts, Barnstable, Bass River, Bourne, Bourneville, Brewster, Cataumet, Cedarville, Centerville, Chatham, Chathamport, Cochaeset, Cotuit, Craigville, Dennis, Dennis Port, East Brewster, East Dennis, Eastham, East Harwich, East Marion, East Orleans, East Sandwich, East Wareham, Falmouth Heights, Forestdale, Gray Gables, Harwich Port, Harwich, Hatchville, Indian Mound Beach, Kenberma, Lakeville, Manomet, Mara Vista, Marston Mills, Mashpee, Monument Beach, North Eastham, North Truro, Orleans, Osterville, Oyster Harbors, Pleasant Lake, Pocasset, Provincetown, Quisset, Rochester, Santuit, Sea View, Silver Beach, South Brewster, South Chatham, South Dennis, South Harwich, South Wellfleet, South Yarmouth, Teaticket, Truro, Waquoit, Waterville, Wellfleet, West Barnstable, West Chatham, West Dennis, West Falmouth, West Harwich, West Yarmouth, Wianno, Yarmouth Port, and Mattapoisett; (C) Points to be covered under pooling agreement; point of Interchange-Allentown, points in New Jersey, Allerton, Annandale, Baptistown, Brainards, Bridgeville, Budd Lake, Buttzville, Carpentersville, Finesville, Foul Rift, Frenchtown, Harmony, Heshanic, Heshanic Station, Netcong, Schooleys Mountain, Stewartville, West Portal, and White House Station; (D) Points to be covered under pooling agreement; points in New York, Clifton Park, Cottrell Paper Co., Halfmoon, Mechanicville, Rexford, Round Lake, Saratoga Springs, Vischer Ferry, and Wilton; (E) Points to be covered under pooling agreement; points in New York, Amsterdam, Cranesville, Fonda, Fort Hunter, Fort Johnson, Fultonville, Hagaman, Sprakers, and Tribes Hill; (F) Points to be covered under pooling agreement; points in Idaho, Emmett, Eagle, and Star. Applicants' representatives: G. T. West, Vice President-Traffic, 175 Linfield Drive, Menlo Park, Calif., 94025, and Robert M. Bowden, Commerce Supervisor, P.O. Box 3062, Portland, Ore. 97208. Consolidated Freightways Corp., of Delaware is authorized to operate as a common carrier in all the States in the United States (except Hawaii).

No. MC-F-13434. Authority sought for purchase by CENTRAL TRANSFER CO., 1080 Springfield Road.

Union, N.J. 07083, of a portion of the operating rights of ROBERT EMANUEL AND MARGARET EMANUEL, d.b.a. EMANUEL'S EXPRESS, 201 East Township Line Road, Kirklyn, Pa. 19082, and for acquisition by P. A. ALBANESE, 1080 Springfield Road, Union, N.J., 07083, of control of such rights through the transaction. Applicants' attorneys: A. David Millner, 167 Fairfield Road, P.O. Box 1409, Fairfield, N.J. 07006, and Robert B. Einhorn, 220 P.S.F.S. Bldg., 12 South 12th Street, Philadelphia, Pa. 19107. Operating rights sought to be transferred: *General commodities*, with exceptions, as a common carrier, over irregular routes, between points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, and the District of Columbia, with restrictions. Vendee is authorized to operate as a common carrier in New York, New Jersey, Maryland, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

NOTE—MC-1403 (Sub-No. 4), is a directly related matter.

No. MC-F-13435. Authority sought for purchase by COOPER MOTOR LINES, INC., 301 Hammett Street, Greenville, S.C. 29608, of a portion of the operating rights of EVANS DELIVERY COMPANY, INC., P.O. Box 268, Pottsville, Pa. 17901, and for acquisition by CALHOUN LEMON, 301 Hammett Street, Greenville, S.C. 29608, of control of such rights through the transaction. Applicants' Harry J. Jordan, Esquire, Macdonald & McInerney, 1000 16th Street NW., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, with exceptions, as a common carrier, over irregular routes, between points in Warren, Sussex, Morris, and Somerset Counties, N.J., on the one hand, and, on the other, Easton, Bethlehem, Allentown, Castasauqua, Northampton, Slatington, Emmanus, Weissport, Walnut Port, and Lehigh Gap, Pa., restricted against traffic originating at and destined to points in Pennsylvania. Vendee is authorized to operate as a common carrier in South Carolina, New Jersey, New York, and North Carolina. Application has been filed for temporary authority under section 210a(b).

NOTE—MC-47171 (Sub-No. 99), is a directly related matter.

OPERATING RIGHTS APPLICATION(S)
DIRECTLY RELATED TO FINANCE
PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection

with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 247(d) 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 severed concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 1403 (Sub-No. 4), filed, November 14, 1977. Applicant: CENTRAL TRANSFER CO. (a corporation), 1080 Springfield Road, Springfield, N.J. 07083. Applicant's representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment), between points in New Jersey on and north of a line from Trenton to Toms River, N.J.; Rockland, Orange, Westchester, Nassau, and Suffolk Counties, N.Y.; and New York, N.Y., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, and the District of Columbia, restricted to the transportation of shipments weighing 5,000 pounds or less from one consignor at one location to one consignee at another location during a single day.

NOTE.—The purpose of this application is to eliminate the gateway of Philadelphia, Pa., and is directly related to MC-F-13434, Central Transfer Co.—Purchase—Emanuel's Express, published in a previous section of this FEDERAL REGISTER issue. Applicant states, that as pertinent to this application, it is authorized to serve points in New York, New Jersey, and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

Docket No. MC 47171 (Sub-No. 99), filed November 15, 1977. Applicant: COOPER MOTOR LINES, INC., 301 Hammett Street, Greenville, S.C. 296708. Applicant's representative: Harry J. Jordan, Esquire, 1000 16th

Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between points in South Carolina, on the one hand and, on the other, points in Warren, Sussex, Morris, and Somerset Counties, N.J.; and (2) from points in Warren, Sussex, Morris, and Somerset Counties, N.J., to Charlotte, Rocky Mount, Fayetteville, Durham, Roanoke Rapids, Kingston, Marion, Morganton, Fuquay Springs, Rockingham, Snow Hill, Greenville, Smithfield, Rich Square, Warsaw, Clinton, Kannapolis, Gastonia, Greensboro, Lillington, Dunn, Salisbury, and Concord, N.C.

NOTE.—This is an application to eliminate the gateway of points in Pennsylvania on and east of the Susquehanna River and is a matter directly related to a section 5(2) proceeding in No. MC-F-13435, published in as previous section of this FEDERAL REGISTER issue. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

ABANDONMENT APPLICATIONS

NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a (6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB-5 (Sub-No. 187)]

GEORGE P. BAKER, RICHARD C. BOND AND JERVIS LANGDON, JR., TRUSTEES OF THE PROPERTY OF PENN CENTRAL TRANSPORTATION CO., DEBTOR THE MONONGAHELA RAILWAY CO. AND THE CONNELLSVILLE & MONONGAHELA RAILWAY CO. ABANDONMENT BETWEEN DUNLAP CREEK JUNCTION AND JURON, IN FAYETTE COUNTY, PA.

NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on July 1, 1977, and the order of the Commission, Division 3, served November 2, 1977, as modified, adopted the report and order of the Commission, Review Board No. 5, which is administratively final, stating that, subject to the conditions for the protection of railway employees pre-

scribed by the Commission pursuant to section 405 of the Rail Passenger Service Act (45 U.S.C. 565), the present and future public convenience and necessity permit the abandonment of the Connellsville & Monongahela Railway Co. and abandonment of operations by Penn Central Transportation Co. and Monongahela over Connellsville & Monongahela Railway Co.'s entire line of railroad extending from Dunlap Creek Junction, in Brownsville, Pa., to the junction with Monongahela's Moser Run Branch near Huron, Pa., all in Fayette County, Pa., a distance of 15.68 miles. A certificate of abandonment will be issued to George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, the Monongahela Railway Co. and the Connellsville & Monongahela Railway Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that: (1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and (2) it is likely that such proffered assistance would: (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or (b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-5 (Sub-No. 188)]

THE MONONGAHELA RAILWAY CO. ABANDONMENT BETWEEN BROWNS RUN JUNCTION AND MOSER RUN JUNCTION, IN FAYETTE COUNTY, PA.

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on July 14, 1977, and the order of the Commission, Division 3, served November 2, 1977, as modified, adopted the report and order of the Commission, Review Board Number 5, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission pursuant to Section 405 of the Rail Passenger Service Act (45 U.S.C. 565), the present and future public convenience and necessity permit the abandonment by the Monongahela Railway Co. of that portion of its line known as the Moser Run Branch Line which extends from Browns Run Junction at valuation station 0 + 00 to Moser Run Junction at valuation station 147 + 46, a distance of 2.8 miles all in Fayette County, Pa. A certificate of abandonment will be issued to the Monongahela Railway Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial as-

sistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-12 (Sub-No. 41)]

SOUTHERN PACIFIC TRANSPORTATION CO. ABANDONMENT PORTION OF ITS "R STREET LINE" IN SACRAMENTO COUNTY, CALIF.

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on May 23, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q.R. Co., Abandonment*, 257 I.C.C. 700, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Co. of the line of railroad known as the "R Street Line", extending from railroad milepost 89.592 to railroad milepost 91.225, all in the City of Sacramento, a distance of 1.633 miles in Sacramento County, Calif. A certificate of abandonment will be issued to the Southern Pacific Transportation Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of

rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-94 (Sub-No. 1)]

**EL PASO UNION PASSENGER DEPOT CO.—
ABANDONMENT ALL WITHIN EL PASO,
EL PASO COUNTY, TEX.**

NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on September 16, 1977, a finding, which is administratively final, was made by the Commission, Review Board No. 5, stating that, the present and future public convenience and necessity permit the abandonment by the El Paso Union Passenger Depot Co. of its entire line of railroad consisting of .416 mile of main line and 2.835 miles of yard tracks and sidings, all within the corporate limits of the City of El Paso, El Paso County, Tex., provided that (1) the authority granted herein is conditioned on the Southern Pacific Transportation Co. providing alternate facilities for use by Amtrak in El Paso, with the cost of such facilities being paid by Amtrak, (2) applicant shall not sell, lease, exchange, or otherwise dispose of the rail property underlying the track or the El Paso Union Passenger Station for a period of 180 days following issuance of the certificate in order to permit responsible persons interested in acquiring the property for public use to make an offer for such properties, (3) that during this 180 day period, applicant shall take measures to prevent significant alteration or deterioration of the structure, (4) that, in the event the station is eventually demolished, Applicant will insure that appropriate measures are taken to adequately record the structure according to standards prescribed by the Historic American Building Survey, and (5) that, if the station is sold to another party, the applicant shall insert in the contract of sale a provision ensuring the appropriate recordation of the structure as provided in (4) immediately above. A certificate of

abandonment will be issued to the El Paso Union Passenger Depot Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

**MOTOR CARRIER ALTERNATE ROUTES
DEVIATIONS**

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation rules—Motor Carrier of Property (49 CFR 1042.4 (c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 31389 (Deviation No. 9), McLEAN TRUCKING CO. P.O. Box 213, Winston-Salem, N.C. 27102, filed November 23, 1977. Carrier proposed to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Richmond, Va., over Interstate Highway 95 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Interstate Highway 270, thence over Interstate Highway 270 to junction U.S. Highway 15 near Frederick, Md., thence over U.S. Highway 15 to junction U.S. Highway 22 near Harrisburg, Pa., thence over U.S. Highway 22 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction Pennsylvania Highway 33, thence over Pennsylvania Highway 33 to junction U.S. Highway 209, thence over U.S. Highway 209 to junction Interstate Highway 84, thence over Interstate Highway 84 to Newburgh, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Richmond, Va., over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to State Road, Del., thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, N.Y., thence over U.S. Highway 9 to junction U.S. Highway 9W, thence over U.S. Highway 9W to junction New York Highway 32, thence over New York Highway 32 to junction New York Highway 17, thence over New York Highway 17 to Newburgh, N.Y., and return over the same route.

No. MC 59680 (Deviation No. 98), STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas, Tex. 75222, filed November 22, 1977. Carrier proposed to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Little Rock, Ark., over Interstate Highway 30 to Texarkana, Tex., thence over U.S. Highway 59 to Tenaha, Tex., thence over U.S. Highway 84 to Palestine, Tex., thence over U.S. Highway 79 to junction Interstate Highway 35, thence over Interstate Highway 35 to San Antonio, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route

as follows: From Little Rock, Ark., over U.S. Highway 67 to Texarkana, Tex., thence over U.S. Highway 71 to Shreveport, La., thence over U.S. Highway 171 to Lake Charles, La., thence over U.S. Highway 90 to San Antonio, Tex., and return over the same route.

No. MC 59680 (Deviation No. 99), STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas, Tex. 75222, filed November 22, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Texarkana, Tex., over U.S. Highway 59 to Tenaha, Tex., thence over U.S. Highway 96 to Beaumont, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Texarkana, Tex., over U.S. Highway 71 to Shreveport, La., thence over U.S. Highway 171 to Lake Charles, La., thence over U.S. Highway 90 to Beaumont, Tex., and return over the same route.

No. MC 111231 (Deviation No. 65), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark., filed November 16, 1977. Carrier's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Interstate Highway 35E to Denton, Tex., thence over U.S. Highway 380 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 166, thence over U.S. Highway 166 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Interstate Highway 35W, thence over Interstate Highway 35W to junction U.S. Highway 81, thence over U.S. Highway 81 to Belleville, Kans., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas, Tex., over U.S. Highway 67 to Garland, Tex., thence over Texas Highway 78 to Farmersville, Tex., thence over Texas Highway 160 to Whitewright, Tex., thence over U.S. Highway 69 to Kansas City, Kans., thence over U.S. Highway 24 to Clay Center, Kans., thence over Kansas Highway 15 to junction Kansas Highway 9, thence over Kansas Highway 9 to Concordia, Kans., thence over U.S. Highway 81 to Belleville, Kans., and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 732), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed October 27, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction New Jersey Turnpike and Interstate Highway 287 at Interchange No. 10, over Interstate Highway 287 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 83, thence over Interstate Highway 83 to junction Interstate Highway 283 at Interchange No. 27, with the following access route: (1) From junction Interstate Highway 83 and Interstate Highway 283 over Interstate Highway 283 to junction Pennsylvania Turnpike at Interchange No. 19, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From New York City through the Lincoln Tunnel to the New Jersey Turnpike, thence over the New Jersey Turnpike to the junction of the Eastern Extension of the Pennsylvania Turnpike at Interchange No. 6, thence over the Eastern Extension of the Pennsylvania Turnpike (Interstate Highway 276) to and over the Pennsylvania Turnpike, the Harrisburg-East Interchange (No. 19) to junction U.S. Highway 230, thence over U.S. Highway 230 to Harrisburg, Pa., thence over Interstate Highway 83 to junction Interstate Highway 283 at Interchange No. 27, and return over the same route.

By the Commission.

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

[FR Doc. 77-35072 Filed 12-7-77; 8:45 am]

[7035-01]

[Twenty-seventh revised exemption No. 12]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

It appearing, that the railroads named herein own numerous plain boxcars; that under present conditions there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, that, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 405, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlanta & Saint Andrews Bay Railway Co. Reporting marks: ASAB.

Atlantic and Western Railway. Reporting marks: ATW.

Chicago & Illinois Midland Railway Co. Reporting marks: CIM.

Fonda, Johnstown and Gloversville Railroad Co. Reporting marks: FJG.

Hartford and Slocumb Railroad Co. Reporting marks: HS.

Lackawaxen and Stourbridge Railroad Corp. Reporting marks: LASB.

Louisiana Midland Railway Co. Reporting marks: LOAM.

Manufacturers Railway Co. Reporting marks: MRS.

Maryland and Pennsylvania Railroad Co. Reporting marks: MPA.

Pickens Railroad Co. Reporting marks: PICK.

Roscoe, Snyder and Pacific Railway Co. Reporting marks: RSP.

Wellsville, Addison & Galetton Railroad Corp. Reporting marks: WAG.

Effective October 31, 1977, and continuing in effect until further order of this Commission.

*** Minneapolis, Northfield and Southern Railway deleted.

Issued at Washington, D.C. October 26, 1977.

For the Interstate Commerce Commission.

JOEL E. BURNS,
Director,
Bureau of Operations.

[FR Doc. 77-35135 Filed 12-7-77; 8:45 am]

[7035-01]

[Corrected thirty-third revised exemption
No. 90]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

It appearing, that the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, that pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 405 issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a), and 2(b).

- Apalachicola Northern Railroad Co. Reporting marks: AN.
- Camino, Placerville & Lake Tahoe Railroad Co. Reporting marks: CPLT.
- City of Prineville. Reporting marks: COP.
- The Clarendon and Pittsford Railroad Co. Reporting marks: CLP.
- Greenville and Northern Railway Co. Reporting marks: GRN.
- Greenwich & Johnsonville Railway Co. Reporting marks: GJ.
- Lake Erie, Franklin & Clarion Railroad Co. Reporting marks: LEF.
- Louisville and Wadley Railway Co. Reporting marks: LW.
- Louisville, New Albany & Corydon Railroad Co. Reporting marks: LNAC.
- McCloud River Railroad Co. Reporting marks: MR.
- Minneapolis, Northfield and Southern Railway. Reporting marks: MNS.
- Municipality of East Troy, Wis. Reporting marks: METW.

• Addition.

• Omitted in error.

- New Orleans Public Belt Railroad. Reporting marks: NOPB.
- North Louisiana & Gulf Railroad Co. Reporting marks: NLG.
- Pearl River Valley Railroad Co. Reporting marks: PRV.
- The Pittsburgh and Lake Erie Railroad Co. Reporting marks: P&LE.
- Providence and Worcester Co. Reporting marks: PW.
- Raritan River Rail Road Co. Reporting marks: RR.
- Sacramento Northern Railway. Reporting marks: SN.
- St. Johnsbury & Lamoille County Railroad. Reporting marks: SJL.
- St. Lawrence Railroad. Reporting marks: NSL.
- Sierra Railroad Co. Reporting marks: SERA.
- Terminal Railway, Alabama State Docks. Reporting marks: T ASD.
- Tidewater Southern Railway Co. Reporting marks: TS.
- Toledo, Peoria & Western Railroad Co. Reporting marks: TPW.
- Vermont Railway, Inc. Reporting marks: VTR.
- WCTU Railway Co. Reporting marks: WCTR.
- Yreka Western Railroad Co. Reporting marks: YW.

Effective November 15, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., November 9, 1977.

For the Interstate Commerce Commission.

ROBERT S. TURKINGTON,
Agent.

[FR Doc. 77-35136 Filed 12-7-77; 8:45 am]

[7035-01]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

DECEMBER 2, 1977.

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 on or before December 19, 1977. 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.

No. MC 61825 (Sub-No. E1154), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Furniture parts and furniture materials (except commodities of unusual value, commodities in bulk, household goods as defined by the Commission), from points in Virginia on and bounded by a line beginning at the Chesapeake Bay extending along U.S. Highway 360 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 24, thence along Virginia Highway 24 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Virginia-Maryland State line, thence extending along the Potomac River to the Chesapeake Bay to the point of beginning, to points in Alabama; Florida; Georgia; Kansas; Louisiana; Mississippi; Missouri; Tennessee; those points in Kentucky on and south of a line beginning at the West Virginia-Kentucky State line extending along Kentucky Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Kentucky-Indiana State line; points in Illinois and Indiana on, south, and west of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 150 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Illinois State line and extending along U.S. Highway 50 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction Illinois Highway 140, thence along Illinois Highway 140 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 108, thence along Illinois Highway 108 to junction Illinois Highway 96, thence along Illinois Highway 96 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Mississippi River; points in Iowa on, south, and west of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 218 to junction Iowa Highway 2, thence along Iowa Highway 2 to the Des Moines River, thence to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction U.S. Highway 169, thence

along U.S. Highway 169 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 15, thence along Iowa Highway 15 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateways of Lynchburg and Martinsville, Va.

No. MC 61825 (Sub-No. E1155), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials* (except commodities of unusual value, commodities in bulk, household goods as defined by the Commission), from those points in Virginia bounded by a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 250 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction Virginia Highway 39, thence along Virginia Highway 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 501, thence along U.S. Highway 501 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Virginia-Maryland State line, extending along the Virginia-Maryland State line to the Virginia-West Virginia State line, extending along the Virginia-West Virginia State line to the point of beginning, to points in Alabama; Florida; Georgia; Louisiana; Mississippi; points in Tennessee on, south and west of a line beginning at the North Carolina-Tennessee State line extending along U.S. Highway 64 to junction Tennessee Highway 60, thence along Tennessee Highway 60 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Tennessee Highway 30, thence along Tennessee Highway 30 to junction Tennessee Highway 111, thence along Tennessee Highway 111 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 56, thence along Tennessee Highway 56 to junction Tennessee Highway 53, thence along Tennessee Highway 53 to the Tennessee-Kentucky State line; points in Kentucky on, south and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 17 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Kentucky Highway 69, thence along Kentucky Highway 69 to junction Kentucky Highway 85, thence along Kentucky Highway 85 to junction Kentucky Highway 81, thence along Kentucky Highway 81 to junction

Kentucky Highway 138, thence along Kentucky Highway 138 to junction Kentucky Highway 370, thence along Kentucky Highway 370 to junction Kentucky Highway 56, thence along Kentucky Highway 56 to the Kentucky-Illinois State line; to points in Illinois, Missouri, and Kansas on, south and west of a line beginning at the Kentucky-Illinois State line extending along Illinois Highway 13 to junction Illinois Highway 34, thence along Illinois Highway 34 to junction Illinois Highway 14, thence along Illinois Highway 14 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 154, thence along Illinois Highway 154 to junction Illinois Highway 3, thence along Illinois Highway 3 to the Monroe-Randolph County line, extending along the Monroe-Randolph County line to the Illinois-Missouri State line, extending along the Mississippi River to Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 135, thence along Missouri Highway 135 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction Missouri Highway 10, thence along Missouri Highway 10 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Missouri Highway 92, thence along Missouri Highway 92 to junction Interstate Highway 29, thence along Interstate Highway 29 to junction Missouri Highway 116, thence along Missouri Highway 116 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Missouri-Kansas State line extending along U.S. Highway 73 to junction Kansas Highway 20, thence along Kansas Highway 20 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Kansas Highway 63, thence along Kansas Highway 63 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of Lynchburg, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E1156), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Furniture materials*, from points in Pennsylvania on and east of a line beginning at the West Virginia-Pennsylvania State line extending along Pennsylvania Highway 281 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, and those points on

and west of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 15 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 11/15, thence along U.S. Highway 11/15 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, to those points in Tennessee on and east of a line beginning at the Tennessee-Alabama State line extending along U.S. Highway 231/431 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 50, thence along Tennessee Highway 50 to junction Tennessee Highway 55, thence along Tennessee Highway 55 to junction U.S. Highway 70S, thence along U.S. Highway 70S to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E1157), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials* (except commodities of unusual value, commodities in bulk, household goods as defined by the Commission), from points in New York on, north and west of a line beginning at the Vermont-New York State line extending along New York Highway 149, thence along New York Highway 149 to junction New York Highway 40, thence along New York Highway 40 to junction New York Highway 196, thence along New York Highway 196 to junction New York Highway 32, thence along New York Highway 32 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 30-A, thence along New York Highway 30-A to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 10, thence along New York Highway 10 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 80, thence along New York Highway 80 to junction New York Highway 320, thence along New York Highway 320 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 206, thence along New York Highway 206 to junction New York Highway 79,

thence along New York Highway 79 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 352, thence along New York Highway 352 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 305, thence along New York Highway 305 to the New York-Pennsylvania State line extending along New York-Pennsylvania State line to Lake Erie, to points in Florida. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va., Lynchburg, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E1158), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials* (except commodities of unusual value, commodities in bulk, household goods as defined by the Commission), from points in New York on, east and south of a line beginning at the Vermont-New York State line extending along New York Highway 149 to junction New York Highway 40, thence along New York Highway 40 to junction New York Highway 196, thence along New York Highway 196 to junction New York Highway 32, thence along New York Highway 32 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 30-A, thence along New York Highway 30-A to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 80, thence along New York Highway 80 to junction New York Highway 320, thence along New York Highway 320 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 206, thence along New York Highway 206 to junction New York Highway 79, thence along New York Highway 79 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 352, thence along New York Highway 352 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 305, thence along New York Highway 305 to the New York-Pennsylvania State line, to those points in

Florida on, west and south of a line beginning at the Atlantic Ocean extending along Florida Highway 520 to junction Florida Highway 50, thence along Florida Highway 50 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Florida-Georgia State line. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va., Lynchburg, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E1159), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials* (except commodities of unusual value, commodities in bulk, household goods as defined by the Commission), from those points in South Carolina on and east of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 25 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to the Broad River, to the South Carolina-North Carolina State line, to those points in Ohio on and bounded by a line beginning on the Kentucky-Ohio State line extending along Ohio Highway 93 to junction Ohio Highway 279, thence along Ohio Highway 279 to junction Ohio Highway 139, thence along Ohio Highway 139 to junction Ohio Highway 348, thence along Ohio Highway 348 to junction Ohio Highway 73, thence along Ohio Highway 73 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 48, thence along Ohio Highway 48 to junction Ohio Highway 185, thence along Ohio Highway 185 to junction Ohio Highway 47, thence along Ohio Highway 47 to junction Ohio Highway 49, thence along Ohio Highway 49 to junction Ohio Highway 26, thence along Ohio Highway 26 to the Ohio-Indiana State line, extending along the Ohio-Indiana State line to the Ohio-Michigan State line, extending along the Ohio-Michigan State line to junction Ohio Highway 109, thence along Ohio Highway 109 to junction Ohio Highway 2, thence along Ohio Highway 2 to junction Ohio Highway 64, thence along Ohio Highway 64 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Ohio Highway 199, thence along Ohio Highway 199 to junction U.S. Highway 23, thence

along U.S. Highway 23 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Ohio Highway 587, thence along Ohio Highway 587 to junction Ohio Highway 103, thence along Ohio Highway 103 to junction Ohio Highway 100, thence along Ohio Highway 100 to junction Ohio Highway 19, thence along Ohio Highway 19 to junction U.S. Highway 30-S, thence along Ohio Highway 30-S to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction Ohio Highway 256, thence along Ohio Highway 256 to junction Ohio Highway 664, thence along Ohio Highway 664 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 324, thence along Ohio Highway 160, thence along Ohio Highway 160 to the Ohio River and extending along the Ohio River to the point of beginning; points in Michigan on, west and south of a line beginning at the Ohio-Michigan State line extending along Michigan Highway 52 to junction Interstate Highway 96, thence along Interstate Highway 96 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction Michigan Highway 120, thence along Michigan Highway 120 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction Michigan Highway 55, thence along Michigan Highway 55 to Lake Michigan; those points in Wisconsin east and south of a line beginning at Green Bay extending along Wisconsin Highway 64 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 49, thence along Wisconsin Highway 49 to junction Wisconsin Highway 66, thence along Wisconsin Highway 66 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 173, thence along Wisconsin Highway 173 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 131, thence along Wisconsin Highway 131 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Wisconsin-Iowa State line; those points in Indiana on and north of a line beginning at the Ohio-Indiana State line extending along Indiana Highway 26 to junc-

tion Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction Indiana Highway 16, thence along Indiana Highway 16 to junction Indiana Highway 19, thence along Indiana Highway 19 to junction Indiana Highway 14, thence along Indiana Highway 14 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 10, thence along Indiana Highway 10 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 2, thence along Indiana Highway 2 to the Illinois-Indiana State line; those points in Illinois on and north of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 17 to junction Illinois Highway 1, thence along Illinois Highway 1 to the Will-Kankakee County line and extending along the Will-Kankakee County line to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Illinois Highway 26, thence along Illinois Highway 26 to junction Illinois Highway 92, thence along Illinois Highway 92 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Iowa State line; and those points in Iowa on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 30 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Iowa Highway 25, thence along Iowa Highway 25 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 34, thence along U.S. Highway 34 to Iowa-Nebraska State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 106603 (Sub-No. E92), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building and roofing materials* as are building contractor's equipment, materials, and supplies, from Louisville, Ky., to points in Illinois on and north of a line beginning at the Illinois-Indiana State line extending west along Illinois Highway 17 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction Illinois Highway 90, thence along Illinois Highway 90 to

junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 150, thence along U.S. Highway 150 to the junction of U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC 106603 (Sub-No. E93), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building and roofing materials* as are building contractor's equipment, materials, and supplies, from Louisville, Ky., to points in the Lower Peninsula of Michigan on and north of a line beginning at the Michigan-Indiana State line extending along U.S. Highway 31 to junction Michigan Highway 51, thence along Michigan Highway 51 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Michigan Highway 83, thence along Michigan Highway 83 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction Michigan Highway 53, thence along Michigan Highway 53 to junction Michigan Highway 142, thence along Michigan Highway 142 to Lake Huron. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC 106603 (Sub-No. E94), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from Louisville, Ky., to points in the Upper Peninsula of Michigan on and west of a line beginning at Lake Superior at or near Whitefish Point and extending along Michigan Highway 123 to junction Michigan Highway 28, thence along Michigan Highway 28 to junction Michigan Highway 117, thence along Michigan Highway 117 to junction U.S. Highway 2, thence along U.S. Highway 2 to county road at or near Gould City, thence along unnumbered highway to Lake Michigan at or near Pt. Patterson. The purpose of this filing is to eliminate the gateway of Whiting, Ind., and Wilmington, Ill.

No. MC 106603 (Sub-No. E95), filed May 10, 1974. Applicant: DIRECT

TRANSIT LINES, INC., P.O. Box 8099, 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building contractor's equipment, materials, and supplies*, as are used in the manufacture, installation, or application of roofing and building materials, from points in the Lower Peninsula of Michigan on and north of a line beginning at Port Huron extending along Michigan Highway 21 to junction Michigan Highway 53, thence along Michigan Highway 53 to Lake Huron, to points in Indiana north of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 46 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 32, thence along Indiana Highway 32 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 106603 (Sub-No. E96), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building contractor's equipment, materials, and supplies* as are used in the manufacture, installation, or application of roofing and building materials, from points in the Lower Peninsula of Michigan on, south and east of a line beginning at Port Huron extending along Michigan Highway 21 to junction Michigan Highway 24, thence along Michigan Highway 24 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Michigan-Ohio State line, including all points in the Detroit commercial zone, to points in Indiana on, south and east of a line beginning at the Indiana-Illinois State line at or near Vincennes extending along U.S. Highway 50 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 46, thence along Indiana Highway 46 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 106603 (Sub-No. E97), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box

400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building contractor's equipment, materials, and supplies* as are used in the manufacture, installation, or application of roofing and building materials (except commodities in bulk), from points in Delaware, Maryland, New Jersey, points in New York in and west of Wayne, Seneca, Schuyler, and Chemung Counties, Pa., the District of Columbia, points in West Virginia on and east of a line beginning at the West Virginia-Ohio State line extending along West Virginia Highway 14 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 21, thence along U.S. Highway 21 to the West Virginia-Virginia State line, and points in Virginia on and east of U.S. Highway 21, to points in Indiana on and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line (except the plantsite of the Bethlehem Steel Corp., located at Burns Harbor, Porter County, Ind.). The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 106603 (Sub-No. E98), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building contractor's equipment, materials, and supplies* as are used in the manufacture, installation, or application of roofing and building materials (except commodities in bulk), from points in Delaware, Maryland, New Jersey, points in New York in and west of Wayne, Seneca, Schuyler, and Chemung Counties, Pa., the District of Columbia, points in West Virginia on, north and east of a line beginning at the West Virginia-Pennsylvania State line extending along U.S. Highway 19 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction West Virginia Highway 72, thence along West Virginia Highway 72 to junction West Virginia Highway 32, thence along West Virginia Highway 32 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, and points in Virginia on, north and east of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 33 to

junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, to points in Indiana, on, south and west and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 106603 (Sub-No. E99), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building contractor's equipment, materials, and supplies* as are used in the manufacture, installation, or application of roofing and building materials (except commodities in bulk), from points in Delaware, Maryland, New Jersey, points in New York in and west of Wayne, Seneca, Schuyler, and Chemung Counties, Pa., the District of Columbia, points in West Virginia on, north and east of a line beginning at the West Virginia-Pennsylvania State line extending along U.S. Highway 19 to junction West Virginia Highway 7, thence along West Virginia Highway 7 to junction West Virginia Highway 71, thence along West Virginia Highway 72 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Virginia State line, and points in Virginia on, north and east of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 50 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line, to points in Indiana, on south and west of a line beginning at the Indiana-Illinois State line extending along Interstate Highway 70 to junction Indiana Highway 3, thence along Indiana Highway 3 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 106603 (Sub-No. E100), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building contractor's equipment, materials, and*

supplies as are used in the manufacture, installation, or application of roofing and building materials (except commodities in bulk), from points in Delaware, Maryland, New Jersey, points in New York in and west of Wayne, Seneca, Schuyler, and Chemung Counties, points in Pennsylvania north and east of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 22 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, the District of Columbia, points in West Virginia on, north and east of a line beginning at the West Virginia-Maryland State line extending along U.S. Highway 50 to the West Virginia-Virginia State line, and points in Virginia on, north and east of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 50 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line, to points in Indiana, on south and east of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 124 to junction Indiana Highway 3, thence along Indiana Highway 3 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 108676 (Sub-No. E18) (Part II—Sec. K & L), filed June 4, 1974. Applicant: A. J. METTLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: A. J. Mettler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coke mining machinery, equipment, and vehicles and mine cars, consisting of maintenance machinery and equipment, and parts, accessories, and attachments therefor (not including contractors' machinery and equipment), iron or steel conveying, dredging, dumping, or hoisting buckets, dippers, or skips, consisting of construction machinery, tools, and equipment, and parts, accessories, and attachments therefor (not including contractors' machinery and equipment), maintenance machinery, tools, and equipment, and parts, accessories, and attachments therefor (not including contractors' machinery and equipment), power distribution machinery, tools, and equipment, and parts, accessories, and attachments therefor (not including contractors' machinery and equipment), and plant machinery, tools, and equipment, and parts, accessories, and attachments therefor (not including contractors' machinery and equipment), (K)(1) between points in Tennessee in or north of Weakley, Henry, Benton, Humphreys, Dickson,*

Williamson, Rutherford, Cannon, Warren, Van Buren, Bledsoe, Rhea, and Meigs counties, and from the Meigs-Bradley county line to the Tennessee-North Carolina State line, points in Tennessee located north or northeast of a line beginning at the Tennessee-Georgia State line extending along Tennessee Highway 60 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Tennessee-Arkansas State line, on the one hand, and, on the other, points in Georgia; (2) between points in Tennessee in or north of Dyer, Gibson, Carroll, Benton, Humphreys, Dickson, Williamson, Rutherford, Cannon, Warren, Van Buren, Bledsoe, Rhea, and Meigs counties, and from the Meigs-Bradley county line to the Tennessee-North Carolina State line, all points in Tennessee north or northeast of a line beginning at the Tennessee-Georgia State line extending along Tennessee Highway 60 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Tennessee-Arkansas State line, on the one hand, and, on the other, points in Georgia, except those in or west of Polk, Paulding, Douglas, Coweta, Merriwether, Talbott, Marion, Webster, Randolph, Calhoun, Early, Miller, and Seminole counties; (3) between points in Tennessee in or north of Dyer, Crockett, Madison, Henderson, Decatur, Humphreys, Dickson, Williamson, Rutherford, Cannon, Warren, Van Buren, Bledsoe, Rhea, and Meigs counties, and from the Meigs-Bradley County line to the Tennessee-North Carolina State line, points in Tennessee north or northeast of a line beginning at the Tennessee-Georgia State line extending along Tennessee Highway 60 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Tennessee-Arkansas State line, on the one hand, and, on the other, points in Georgia except those in or west of Polk, Paulding, Douglas, Coweta, Merriwether, Talbott, Marion, Webster, Randolph, Calhoun, Baker, and Decatur counties; (4) between points in Tennessee in, or north, or northeast of Dyer, Gibson, Carroll, Benton, Humphreys, Hickman, Lewis, Lawrence, Giles, Lincoln, Franklin, Marion, Hamilton, Bradley, and Polk counties, on the one hand, and, on the other, points in Georgia except those in Dade, Walker, Catoosa, Whitfield, Chattooga, Gordon, Floyd, Bartow, and Polk counties; and (5) between points in Tennessee, on the one hand, and, on the other, points in Georgia in and east of Murray, Gilmer, Pickens, Cherokee, Cobb, Fulton, Fayette, Spalding, Pike, Upson, Crawford, Peach, Houston, Dooly, Crisp, Worth, Colquitt, and Thomas counties; (L)(1) between points in North Carolina in or west of Yancey, Buncombe, Haywood, and Jackson counties, on the one

hand, and, on the other, points in South Carolina except those in Greenville, Spartanburg, Cherokee, York, Chester, Union, and Laurens counties; and (2) between points in North Carolina in Pasquotank, Camden, and Currituck counties, on the one hand, and, on the other, points in South Carolina located in Greenville, Anderson, Pickens, and Oconee counties. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn., and points within 75 miles thereof.

No. MC 108676 (Sub-No. E19) (Part II, Sec. M), filed June 4, 1974. Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coal and coke mining machinery, equipment, and vehicles and mine cars, consisting of maintenance machinery, and equipment, and parts, accessories, and attachments therefor (not including contractors' machinery and equipment), iron or steel conveying, dredging, dumping, or hoisting buckets, dippers, or skips, consisting of construction machinery, tools, and equipment, and parts, accessories, and attachments therefor (not including contractors' machinery and equipment), maintenance machinery, tools, and equipment, and parts, accessories, and attachments therefor (not including contractors' machinery and equipment), power distribution machinery, tools, and equipment, and parts, accessories, and attachments therefor (not including contractors' machinery and equipment), and plant machinery, tools, and equipment, and parts, accessories, and attachments therefor (not including contractors' machinery and equipment), (M)(1) between points in Virginia in or west of Tazewell and Smyth Counties, on the one hand, and, on the other, points in South Carolina in or south of Oconee, Pickens, Greenville, Laurens, Newberry, Richland, Cumter, Clarendon, Georgetown, and Horry Counties; (2) between points in Virginia in or north of Lee, Scott, Russell, Tazewell, Gland, Giles, Craig, Alleghany, Rockbridge, Augusta, Rockingham, Greene, Orange, Spotsylvania, and King George Counties, on the one hand, and, on the other, points in South Carolina in or west of Spartanburg, Laurens, Greenwood, and McCormick Counties; (3) between points in Virginia in or north of Lee, Scott, Washington, Smyth, Wythe, Pulaski, Montgomery, Roanoke, Botetourt, Rockbridge, Nelson, Albemarle, Fluvanna, Louisa, Caroline, and King George Counties, on the one hand, and, on the other, points in South Carolina in and west of Greenville, Anderson, Greenwood, and McCormick Counties; (4) between*

points in Virginia in or north of Lee, Scott, Washington, Smyth, Wythe, Pulaski, Montgomery, Roanoke, Bedford, Campbell, Halifax, Mecklenburg, Brunswick, Greenville, South Hampton, Nansemond, Chesapeake, and Virginia Beach Counties, on the one hand, and, on the other, points in South Carolina in and west of Greenville and Anderson Counties; (5) between points in Virginia except those in Patrick, Franklin, Henry, and Pittsylvania Counties, on the one hand, and, on the other, points in South Carolina in or west of Pickens and Anderson Counties; (6) between points in Frederick County, Va., on the one hand, and, on the other, points in South Carolina in or west of Spartanburg, Laurens, Greenwood, Edgefield, Aiken, Barnwell, Allendale, Hampton, and Beaufort Counties. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn., and points within 75 miles thereof.

No. MC 108676 (Sub-No. E21) (Part II, Sec. P & Q), filed June 4, 1977. Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coal and coke mining machinery, equipment and vehicles and mine cars, consisting of maintenance machinery and equipment, and parts, accessories and attachments therefor (not including contractors' machinery and equipment), iron or steel conveying, dredging, dumping, or hoisting buckets, dippers, or skips, consisting of construction machinery, tools, and equipment and parts, accessories and attachments therefor (not including contractors' machinery and equipment), maintenance machinery, tools and equipment, and parts, accessories and attachments therefor (not including contractors' machinery and equipment), power distribution machinery, tools and equipment and parts, accessories and attachments therefor (not including contractors' machinery and equipment), and plant machinery, tools, and equipment, and parts, accessories and attachments therefor (not including contractors' machinery and equipment), (P)(1) between points in Virginia, on the one hand, and, on the other, points in North Carolina in or west of a line beginning at the Tennessee-North Carolina State line extending along U.S. Highway 25 to the North Carolina-South Carolina State line, (2) between points in Frederick County, Va., on the one hand, and, on the other, points in North Carolina in or west of Yancy, McDowell, and Rutherford Counties, (3) between points in Virginia in Accomack, Northampton, and Virginia Counties, on the one hand, and, on the other, points in*

North Carolina in or west of Mitchell, McDowell, Buncombe, and Henderson Counties. (Q)(1) Between points in Kentucky in or west of Lewis, Rowan, Menifee, Powell, Estill, Jackson, Laurel, Knox, and Bell Counties, on the one hand, and, on the other, points in North Carolina, (2) between points in Kentucky in or west of Lewis, Rowan, Menifee, Wolfe, Breathitt, Owsley, Clay, and Bell Counties, on the one hand, and, on the other, points in North Carolina except those in Ashe, Alleghany, Surry, Uadkin, Wilkes, Watauga, and Avery Counties, (3) between points in Kentucky in or west of Lewis, Rowan, Manifee, Wolfe, Breathitt, Perry, and Harlan Counties, on the one hand, and, on the other, points in North Carolina except those in Ashe, Alleghany, Surry, Stokes, Rockingham, Watauga, Wilkes, Yadkin, Forsyth, Avery, Caldwell, Alexander, Iredell, and Davie Counties, (4) between points in Kentucky in or south of Mason, Fleming, Rowan, Morgan, McGoffin, Knott, and Letcher Counties, on the one hand, and, on the other, points in North Carolina in or south of Madison, Buncombe, Rutherford, Cleveland, Lincoln, Mecklenburg, Cabarrus, Stanly, Montgomery, Moore, Lee, Harnett, Johnston, Nash, Halifax, Northhampton, Hertford, Gates, Camden, and Currituck Counties, (5) between points in Kentucky, on the one hand, and, on the other, points in North Carolina in or south of Madison, Buncombe, Rutherford, Cleveland, Lincoln, Mecklenburg, and Union Counties. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn., and points within 75 miles thereof.

No. MC 113459 (Sub-No. E36) (correction), filed May 6, 1974, published in the FEDERAL REGISTER issue of September 19, 1975, and republished, as corrected, this issue. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* when moving in connection therewith, restricted to commodities which are transported on trailers, from points in Ohio on and west of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 23 to junction Ohio Highway 15, thence along Ohio Highway 15 to the Ohio-Michigan State line, to points in Missouri on, west and south of a line beginning at the Arkansas-Missouri State line extending

along U.S. Highway 65 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

NOTE.—The purpose of this correction is to correct the territorial description.

By the Commission.

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

[FR Doc. 77-35133 Filed 12-7-77; 8:45am]

[7035-01]

REROUTING TRAFFIC

I.C.C. Order No. 40 Under Revised Service Order No. 12521

In the opinion of Robert S. Turkington, agent, the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. is unable to transport traffic over its line between Seymour, Ind., and Bedford, Ind., because of track and bridge conditions.

It is ordered, That:

(a) *Rerouting traffic.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Co. being unable to transport traffic over its line between Seymour, Ind., and Bedford, Ind., because of track and bridge conditions, that line and its connections are authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) *Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.*

(e) *In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to*

said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 9:30 a.m., November 22, 1977.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 22, 1977.

By the Interstate Commerce Commission.

ROBERT S. TURKINGTON,
Agent.

[FR Doc. 77-35134 Filed 12-7-77; 8:45 am]

[7035-01]

[No. 542]

ASSIGNMENT OF HEARINGS

DECEMBER 5, 1977.

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.

FD 28532 Petition of William M. Gibbons, Trustee of the Property of Chicago, Rock Island & Pacific Railroad Co., Debtor, to Discontinue Trains 5 and 6 Between Rock Island, Ill. and Chicago, Ill. and Trains 11 and 12 Between Peoria, Ill. and Chicago, Ill. now being assigned January 4, 1978 (3 days) for hearing at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street and continued to January 9, 1978 (1 day), will be held in the City Hall, 1528 3rd Ave. in Rock Island, Ill. and continued to January 10, 1978 (1 day) at Peoria, Ill., will be held in Room 300, 3rd Floor, 419 Fulton.

MC 4483 Sub-No. 22 Monson Dray Line, Inc., now being assigned February 2, 1978

(1 day) for hearing in St. Paul, Minn., in a hearing room to be later designated.
MC 117940 Sub-No. 224 Nationwide Carriers, Inc., now being assigned February 3, 1978 (1 day) for hearing in St. Paul, Minn., in a hearing room to be later designated.

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

[FR Doc. 77-35139 Filed 12-7-77; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATION(S) FOR RELIEF

DECEMBER 5, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before December 23, 1977.

FSA No. 43471—*Sand from Guion, Arkansas*. Filed by Southwestern Freight Bureau, Agent, (No. B-720), for interested rail carriers. Rates on sand, in carloads, as described in the application, from Guion, Arkansas, to Logan, Ohio. Grounds for relief: Rate relationship. Tariff: Supplement 137 to Southwestern Freight Bureau, Agent, tariff 162-Y, I.C.C. No. 5103. Rates are published to become effective on January 1, 1978.

FSA No. 43472—*Joint Rail-Water Container Rates—Ace Lines Limited*. Filed by Ace Lines Limited, (No. 4), for itself and interested rail carriers. Rates on general commodities, from ports in Australia and New Zealand, to rail carriers terminals on the U.S. Atlantic and Gulf Coast. Grounds for relief: Water competition.

By the Commission.

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

[Fr Doc. 77-35138 Filed 12-7-77; 8:45 am]

[7035-01]

[Notice No. 263]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the

quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before January 9, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC FC-77338, filed November 10, 1977. Transferee: ASSOCIATED GRAIN PRODUCERS, INC. 1632 N. Mosely, P.O. Box 12108, Wichita, Kans. 67212. Transferor: Bill Meeker, 1632 N. Mosely, P.O. Box 12108, Wichita, Kans. 67212. Applicants' representative: Tom B. Kretsinger, 910 Brookfield Bldg., 101 W. 11th St., Kansas City, Mo. 64105. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 118178 (Subs-1, 4, 6, 10, 14, 15, 20, and 23, issued May 11, 1966, December 31, 1970, December 22, 1971, May 16, 1973, February 7, 1974, January 20, 1975, November 14, 1974, and October 16, 1975, respectively, and Permit No. MC 110064 issued December 31, 1970, as follows: Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, from the plantsite of Producers Packing Co. near Garden City, Kans. to points in California; Wheat bran, in bags and in bulk, from points in Sedgwick, Summer, Cowley, Harvey, McPherson, and Reno Counties, Kans. to points in Arizona, California, and New Mexico; Wheat standard middlings, and wheat grey shorts in bags and in bulk from the named Kansas counties listed immediately above to points in New Mexico and Texas; Flour (except in bulk), from Hutchinson, Kans., to Albuquerque and Santa Fe, N. Mex.; Aircraft parts (except those which because of their size or weight require the use of special equipment), from Wellington, Kans.,

to points in Texas; Meat, meat products, meat byproducts, and articles distributed by meat packinghouses, from the facilities of National Beef Packing Co., at Liberal, Kans., to points in Indiana, Ohio, Virginia, West Virginia, and Florida; Cider and vinegar (except in bulk), from Alton, Ill., to points in Iowa, Nebraska, Missouri, Kansas, Oklahoma, Colorado, Arkansas, and Tennessee; Meats, meat products, and meat byproducts, from the facilities utilized by Dubuque Packing Co., located at or near Mankato, Kans., to points in Iowa, Wisconsin, Illinois, Ohio, Indiana, Kentucky, Missouri, Tennessee, South Carolina, North Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, Nebraska, and Virginia; Meats, meat products, meat byproducts and articles distributed by meat packinghouses, from the facilities of Dubuque Packing Co. at Wichita, Kans., to points in Iowa, Illinois, Indiana, Kentucky, and Ohio; General commodities, with normal exceptions, over specified regular routes, between Cottonwood Falls, Kans., and Kansas City, Mo., serving the intermediate points of Strong City and Kansas City, Kans.; Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, from Guymon, Okla., to points in Oklahoma and Kansas, and between points in Kansas; Malt beverages, from St. Louis, Mo., to Wichita, Kans.; Empty malt beverage containers, from Wichita, Kans., to St. Louis, Mo.; Fruits and vegetables, from points in Colorado, Texas, and Oklahoma, to Wichita, Kans.; Malt beverages and in connection therewith malt beverage advertising matter in the same vehicle with such beverages, from Kansas City, Mo. and Omaha, Nebr., to Hutchinson, Pratt, Wellington, Wichita, and Winfield, Kans.; and empty malt-beverage containers, from Hutchinson, Pratt, Wellington, Wichita, and Winfield, Kans., to Omaha, Nebr. and Kansas City, Mo. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC FC-77359, filed October 12, 1977. Transferee: WALKER TRANSFER, INC., 200 Barnette Ave., Roxboro, N.C. 27573. Transferor: G. K. Walker doing business as Walker Transfer, 200 Barnette Ave., Roxboro, N.C. 27573. Applicant's representative: Charles E. Hubbard, Attorney at Law, 25 Abbott St. (Box 601), Roxboro, N.C. 27573. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 124284, issued May 23, 1963, as follows: Irregular routes: *Aluminum siding, storm doors, storm windows, and hinges, locks, and hardware used in connection with storm doors and storm windows, from the site of the*

plant of Loxgreen Co., Inc., at Roxboro, N.C., to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, Wisconsin, and the District of Columbia; and *Damaged or defective shipments of the above-specified commodities, stainless steel, aluminum, glass, vinyl, hinges, locks and hardware.* From points in the destination States named above, to the site of the plant of Loxgreen Co., Inc., at Roxboro, N.C. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Loxgreen Co., Inc., Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC FC-77389, filed November 7, 1977. Transferee: A. L. COWELL TRUCKING, Inc., Route 3, Morrilton, Ark. 72110. Transferor: Elmer Manual Bates and Earnest Henry Bates, A Partnership doing business as Bates Bros. Trucking Co., 415 McClendon Road, Hot Springs, Ark. Applicant's representative: Thomas B. Staley, 1550 Tower Building, Little Rock, Ark. 72201. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 141931 (Sub-No. 2), issued June 22, 1977, as follows: Wood chips and sawdust and bark in mixed loads with the foregoing from points in Garland County, Ark. to points in Choctaw and McCurtain Counties, Okla., Bowie County, Tex., and Bossier, Claiborne, Morehouse, Union, and Webster Parishes, La. Transferee holds no Commission authority and does not seek Section 210a(b) temporary authority.

No. MC FC-77390, filed November 9, 1977. Transferee: GEORGE D. ELLIS, INC., Waterview, Va. 23108. Transferor: George D. Ellis, Inc., Waterview, Va. 23108. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y., 10048. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 129205, MC 129205 (Sub-No. 2), and MC 129205 (Sub-No. 4), issued January 26, 1973, March 27, 1975, and April 30, 1976, respectively, as follows: Salt, in bulk, in dump vehicles, from Norfolk, Va., to points in that part of North Carolina on and east of U.S. Highway 15; Lime, Limestone, and Limestone products, from Baltimore, Md., to points in Essex, Middlesex, Gloucester, Mathews, Richmond, Lancaster, and Northumberland Counties, Va.; and Soybean meal, in bulk, from Salisbury, Md., to the facilities of Barnhardt Farms at or near Urbanna, Va. Transferee presently holds no au-

thority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77396, filed November 11, 1977. Transferee: LANDES OZARK TRANSFER CO., a corporation, doing business as Ozark Transfer Co., 303 North 7th Street, P.O. Box 294, Ozark, Mo. 65721. Transferor: D. L. Landes, and Helen L. Landes, a partnership, doing business as Ozark Transfer Co., same address as transferee. Applicants' representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 14768, issued July 8, 1971, as follows: *General commodities*, with normal exceptions, over specified regular routes, between Ozark, Mo., and Springfield, Mo., serving all intermediate points; between Ava, Mo., and Springfield, Mo., serving all intermediate points; between Ava, Mo., and Mansfield, Mo., serving all intermediate points. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77417, filed November 18, 1977. Transferee: JOHN A. McBEAN, doing business as J. L. Wooters, 609 Waldo Street, Rumford, Maine 04276. Transferor: Joseph L. Wooters, 609 Waldo Street, Rumford, Maine 04276. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 106620 issued March 17, 1952, as follows: *Household goods*, between points in that part of Maine south of U.S. Highway 2 and west of U.S. Highway 1, on the one hand, and, on the other, points in New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. Transferee holds no Commission authority and does not seek section 210a(b) temporary authority.

No. MC-FC-77420, filed November 22, 1977. Transferee: ARDELLA COOK, doing business as Desert Stage Lines, 73630 29 Palms Highway, P.O. Box 415, Twentynine Palms, Calif. 92277. Transferor: John E. Cook (Ardeella Cook, Heir at law), doing business as Desert Stage Lines, 73630 29 Palms Highway, P.O. Box 415, Twentynine Palms, Calif. 92277. Applicants' representative: James H. Lyons, Attorney at Law, 523 West 6th Street, Suite 1216, Los Angeles, Calif. 90014. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 140919, issued May 17, 1976, as follows: *Passengers, and their baggage, and express in the same vehicle with*

passengers, between Morongo Valley, Calif., and Las Vegas, Nev., serving the intermediate points of Yucca Valley, Joshua Tree, and Twentynine Palms, Calif., and the off-route point of the U.S. Marine Corps Training Center in San Bernardino County, Calif., over Adobe Road from and to its junction with Amboy Road; from Morongo Valley over California Highway 62 to Twentynine Palms, Calif., thence over Adobe Road to junction Amboy Road, thence over Amboy Road to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Interstate Highway 40 east of Essex, Calif., thence over Interstate Highway 40 (and also over Goffs Road) to junction U.S. Highway 95 to Las Vegas, and return over the same route. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77423, filed November 22, 1977. Transferee: LAW MOTOR LINES, INC., 1705 Elm Street, Rocky Ford, Colo. 81067. Transferor: Law Farms & Cattle Co., doing business as Law Motor Lines, 1705 Elm Street, Rocky Ford, Colo. 81067. Applicants' representative: Warren E. Hoemann, Attorney at Law, 1650 Grant Street, Denver, Colo. 80203. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 120626, issued September 30, 1974, as follows: *General commodities*, from, to, or between specified points in the State of Colorado and authority to use equipment in the State of Colorado as a common interstate carrier between all points in the State of Colorado and the Colorado State boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

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

[FR Doc. 77-35140 Filed 12-7-77; 8:45 am]

[7035-01]

[Docket No. AB-33 (Sub-No. 15)]

UNION PACIFIC RAILROAD CO.

Abandonment Near Freight Yard Junction and Park City in Summit County, Utah; Notice of Findings

DECEMBER 2, 1977.

Notice is hereby given pursuant to section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by an certificate and order dated November 29, 1977, a finding, which is administratively final, was made by the Commission, Division 3, stating that, subject

to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 I.C.C. 76 (1977), the present and future public convenience and necessity permit the abandonment by the Union Pacific Railroad Co. of its line of railroad between milepost 27.39 near freight yard junction and milepost 28.43 near Park City, a distance of 1.04 miles in Summit County, Utah. A certificate of public convenience and necessity permitting abandonment was issued to the Union Pacific Railroad Co. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the *FEDERAL REGISTER* be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing exhibit I (section 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective January 23, 1977.

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

[FR Doc. 77-35137 Filed 12-7-77; 8:45 am]

[4810-33]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

THE NATIONAL BANK OF GEORGIA,
ATLANTA, GA.

Suspension of Trading

On my opinion that the public interest and the protection of investors so require, trading in the common stock of The National Bank of Georgia, Atlanta, Ga., is hereby suspended pursuant to sections 12(i) and 12(k) of the Securities Exchange Act of 1934 for a 10 day period commencing at the opening of business on December 5, 1977.

Dated: December 5, 1977.

JOHN G. HEIMANN,
Comptroller of the Currency.

[FR Doc. 77-35113 Filed 12-7-77; 8:45 am]

[4810-25]

Office of the Secretary

STEEL WIRE STRAND FOR PRESTRESSED
CONCRETE FROM INDIA AND JAPAN

Antidumping; Amendment of Antidumping
Proceeding Notices

AGENCY: Treasury Department.

ACTION: Amendment of antidumping proceeding notices.

SUMMARY: This notice is to advise the public that the description of the product subject to the antidumping investigations of steel wire strand for prestressed concrete from India and Japan, announced in the *FEDERAL REGISTER* of November 23, 1977, is being amended. In addition the product reference to the Tariff Schedules of the United States is being corrected.

EFFECTIVE DATE: December 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. David P. Mueller, Operations Officer, Office of Operations, Duty Assessment Division, Technical Branch, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION:

On November 23, 1977, two separate Antidumping Proceeding Notices were published in the *FEDERAL REGISTER* with respect to steel wire strand for prestressed concrete from India and Japan (42 FR 60034).

Paragraph two of each notice stated that "[f]or purposes of this investigation, the term 'steel wire strand for prestressed concrete' means wire strand of carbon steel for prestressing concrete, provided for in item number 642.1020 of the Tariff Schedules of the United States Annotated (TSUSA)." It has been determined that for clarification and to correct the TSUSA item number, the term "steel wire strand for prestressed concrete" should have been defined as "steel wire strand, other than alloy steel, stress-relieved and suitable for use in prestressed concrete, provided for in item number 642.1120 of the Tariff Schedules of the United States Annotated (TSUSA)."

Accordingly, paragraph two of each of the above Antidumping Proceeding Notices is amended.

This notice is published pursuant to § 153.30, Customs Regulations (19 CFR 153.30).

HENRY C. STOCKELL, Jr.,
Acting General Counsel
of the Treasury.

DECEMBER 2, 1977.

[FR Doc. 77-35109 Filed 12-7-77; 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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[6210-01]

1

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS).

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 61004, November 30, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m., Monday, December 5, 1977.

CHANGES IN THE MEETING:

One of the items announced for inclusion at this closed meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item was added:

Proposed negotiation of a competitive purchase of furnishings for the Martin Building Podium project and/or of a competitive sale of certain existing furnishings. (This matter was originally announced for a meeting on November 30, 1977.)

Previously announced closed items:

1. Proposed salary structure adjustments at the Federal Reserve Banks of Richmond, Chicago, and San Francisco.

2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

DECEMBER 5, 1977.

[S-1999-77 Filed 12-6-77; 8:47 am]

[6750-01]

2

FEDERAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR 42, December 2, 1977, page No. 61357.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., and 9:45 a.m., Thursday, December 1, 1977.

CHANGES IN THE AGENDA: The Federal Trade Commission has changed the times of its December 1, 1977, open/close meeting: Closed session: 10:30 a.m.; open session to follow closed session.

[S-2006-77 Filed 12-6-77; 3:28 pm]

[6750-01]

3

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Monday, December 5, 1977.

PLACE: Room 532 (open), room 540 (closed), Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to public.

MATTERS TO BE CONSIDERED:

Portions open to Public:

- (1) Oral argument in Reichhold Chemicals, Inc., Docket 9076.

Portions closed to the Public:

- (2) Executive Session for consideration of disposition in Reichhold Chemicals, Inc., Docket 9076, immediately following oral argument.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; Recorded Message, 202-523-3806.

[S-2005-77 Filed 12-6-77; 3:28 pm]

[6750-01]

4

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Wednesday, December 7, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Oral presentation on proposed Ophthalmic Goods and Services Trade Regulation Rule—Representatives of trade associations and consumer groups will present their views and respond to questions from the Commission regarding the proposed rule.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message: 202-523-3806.

[S-2007-77 Filed 12-6-77; 3:28 pm]

[7020-02]

5

INTERNATIONAL TRADE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 60832, November 29, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., Thursday, December 8, 1977.

CHANGES IN THE MEETING: Additional agenda item: (2) Administrative update (no documents).

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-2008-77 Filed 12-6-77; 3:38 pm]

[4910-58]

6

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, December 15, 1977 [NM-77-42].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Recommendation to National Highway Traffic Safety Administration and Federal Highway Administration re Federal Motor Vehicle Safety Standard No. 121—Air Brake System. (Highway accident at Scipio, Utah, August 26, 1977.)

2. Railroad/Highway Accident Report.—Collision of an Amtrak/Atchison, Topeka and Santa Fe Rail-

way train with tractor-semitrailer (tank), Marland, Okla., December 15, 1976.

3. *Aircraft Accident Report*—Allegheny Airlines, Inc., Douglas DC-9, N99VJ, Philadelphia International Airport, Philadelphia, Pa., June 23, 1976.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-426-8860.

[S-2000-77 Filed 12-6-77; 8:47 am]

[1910-01]

7

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 61532, December 5, 1977.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, December 13, 1977; 10:00 a.m.

CHANGES IN MEETING: Addition of matters 5 through 7 to the previously announced agenda.

MATTERS TO BE CONSIDERED:

5. Segmentation;
6. Recommended clearance; the Singer Company consolidated with: Singer-General Precision, Inc.; HRB-Singer, Inc.; Controls Company of America; The Strong Electric Corporation; Vapor Corporation; fiscal year ended December 31, 1971.
7. Recommended clearances without assignment (list No. 1889).

A. Walbar Machine Products of Canada, Ltd.; fiscal years ended December 31, 1973, 1974, 1975.

A-1 Walbar, Inc.; fiscal years ended December 31, 1973, 1974, 1975.

A-2 Walbar Metals, Inc.; fiscal years ended December 31, 1973, 1974, 1975.

A-3 Walbar of Arizona, Inc.; fiscal years ended December 31, 1974, 1975.

A-4 Turbo Tool Limited; fiscal years ended December 31, 1973, 1974, 1975.

A-5 Rust Island Leasing, Inc.; fiscal year ended May 8, 1973.

B. Systems Research Laboratories, Inc.; fiscal years ended December 31, 1974, 1975.

B-1 Synergy, Inc.; fiscal years ended December 31, 1974, 1975.

B-2 Systems Technology Corporation; fiscal years ended December 31, 1974, 1975.

C. Bourns, Inc.; fiscal years ended December 31, 1974, 1975.

C-1 Precision Monolithics, Inc.; fiscal years ended December 31, 1974, 1975.

D. J. J. Henry Company, Inc.; fiscal year ended December 31, 1975.

E. Falcon Carriers, Inc.; fiscal years ended December 31, 1971, 1972, 1973, 1974, 1975.

E-1 Falcon Tankers, Inc.; fiscal years ended December 31, 1971, 1972, 1973, 1974, 1975.

E-2 Iran Destiny Carriers, Inc.; fiscal years ended December 31, 1971, 1972, 1973, 1974, 1975.

F. Curtiss-Wright Corporation; fiscal year ended December 31, 1975.

STATUS: Matters 5 through 7 are open to public observation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: December 6, 1977.

GOODWIN CHASE,
Chairman.

[S-2004-77 Filed 12-6-77; 2:50 pm]

[8010-01]

8

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: December 2, 1977, 42 FR 61359.

PREVIOUSLY ANNOUNCED TIME AND DATE: Thursday, December 8, 1977, 10 a.m.

STATUS: Open Meeting.

PLACE: 500 North Capitol Street, Washington, D.C., room 825.

CHANGES IN THE MEETING: The following item will not be considered by the Commission at the open meeting on December 8, 1977, at 10 a.m.: Further consideration of proposed amendments to Rule 15c3-1, the uniform net capital rule, which would: (1) eliminate present exemption of certain specialists in listed options and would require them to maintain net capital of at least \$25,000 and prescribe early warning and surveillance reports by firms that carry such specialists accounts and (2) propose adjustments in the calculation of net capital with respect to specialists positions in options.

The following additional item will be considered by the Commission at the open meeting on December 8, 1977, at 10 a.m.: Application filed by D. H. Baldwin Company (Ohio), D. H. Baldwin Company (Delaware) and The United Corporation requesting an exemption from certain provisions of the Investment Company Act of 1940, as related to the Applicants' proposed plan of reorganization and merger.

The following item will be considered by the Commission at a closed meeting, immediately following the open meeting on December 8, 1977, at 10 a.m.: Consideration of request for stay.

The General Counsel of the Commission, or his designee has certified that, in his opinion, the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)A and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Chairman Williams, Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business required the rescheduling of the above matters and that no earlier notice thereof was possible.

DECEMBER 5, 1977.

[S-2001-77 Filed 12-6-77; 10:10 am]

[8010-01]

9

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of December 12, 1977, in room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, December 13, 1977, at 10 a.m. and on Wednesday, December 14, 1977, immediately following the open meeting scheduled for 10 a.m. Open meetings will be held on Wednesday, December 14, 1977, at 10 a.m. and at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)A and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Chairman William, Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, December 13, 1977, at 10 a.m., will be:

Formal orders of investigation.

Referral of investigative files to Federal, State, or self regulatory authorities.

Freedom of information act appeals.

Subpoena enforcement actions.

Other litigation matters.

The subject matter of the closed meeting scheduled for Wednesday, December 14, 1977, immediately following the open meeting, will be:

Administrative proceedings.

Injunctive actions.

Referral of investigative files to Federal, State, or self regulatory authorities.

Other litigation matters.

The subject matter of the open meeting scheduled for Wednesday, December 14, 1977, at 10 a.m., will be:

1. Consideration of Regulation S-K, a new, integrated disclosure regulation and amendments to certain disclosure forms and rules which would require registrants to (a) disclose revenue, profit, and asset information relating to industry segments and geographic areas and (b) focus on the reported industry segments in describing their business operations.

Proposed transmittal of comments to the Senate Committee on the Judiciary concerning S. 1720 and S. 1721, which would amend the Administrative Procedure Act in matters dealing primarily with rule-making and the hearing and decision process.

The subject matter of the open meeting scheduled for Wednesday, December 14, 1977, at 2:30 p.m., will be: Oral argument in the matter of Parco Managers Corporation and United Parcel Service of America, Inc. concerning an application for certain exemptions under the Investment Company Act of 1940.

FOR FURTHER INFORMATION CONTACT:

Richard Humes at 202-376-8025 or George Yearsich at 202-376-8097.

DECEMBER 5, 1977.

[S-2002-77 Filed 12-6-77; 10:10 am]

[6335-01]

10

U.S. COMMISSION ON CIVIL RIGHTS.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 61533, December 5, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: December 8, 1977, 9 a.m. to 5 p.m. December 9, 1977, 9 a.m. to 3 p.m.

PLACE: Room 512, 1121 Vermont Avenue, NW., Washington, D.C.

CHANGES IN THE MEETING: December 8, 1977, 9 a.m. to 10 a.m. (formerly closed to the public) is now open to the public. Added to the agenda, for discussion during this hour, is a letter from Senator Lawton Chiles concerning the Sunshine Act, specifically exemption 9(B) of the Act.

PERSON TO CONTACT FOR FURTHER INFORMATION:

Barbara Brooks, Public Affairs Unit, 202-254-6697.

[S-2003-77 Filed 12-6-77; 1:05 pm]

[6320-01]

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[M-84, Amdt. 1 12/5/77]

NOTICE OF ADDITION OF ITEM TO THE DECEMBER 8, 1977 MEETING AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m.—December 8, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 22. *Improved Authority to Wichita Case*, Docket 28848; *Addition-al Dallas/Fort Worth-Kansas City Nonstop Service Case*, Docket 28778; *Phoenix-Des Moines/Milwaukee Route Proceeding*, Docket 28800; *Sacramento-Denver Nonstop Case*, Docket 28961; *Memphis-Twin Cities/Milwaukee Case*, Docket 29186; and *Greenville/Spartanburg-Washington/New York Subpart M Case*, Dockets 24778 and 28308.

STATUS: Open.

PERSON TO CONTACT.

Phyllis T. Kaylor, The Secretary, 202-678-5068.

SUPPLEMENTARY INFORMATION: These cases involve significant issues regarding the Board's policy with respect to local service carriers. The staff work was completed on December 2, 1977. In order not to delay the Board's consideration of these issues, the following Members have voted that agency business requires that this item be added to the December 8, 1977 meeting agenda and that no earlier announcement of the addition was possible. Chairman, Alfred E. Kahn, Vice Chairman, Richard J. O'Melia, Member, G. Joseph Minetti, Member, Elizabeth E. Bailey.

[S-2009-77 Filed 12-6-77; 3:54 am]

THURSDAY, DECEMBER 8, 1977

PART II



DEPARTMENT OF DEFENSE

Corps of Engineers



INDUSTRY CAPABILITY PROGRAM

Guidelines for Administration and
Supervision

Registered
Property

[3710-92]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

[ER 1125-2-15]

PART 209—ADMINISTRATIVE PROCEDURES

Guidelines for the Industry Capability Program

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: This regulation provides guidelines for the administration and supervision of the Industry Capability Program (ICP). The government's need to ascertain the capability of private industry to accomplish, at reasonable prices and in a timely manner, the work traditionally performed by Corps dredges led to the development of the Industry Capability Program and subsequently created the requirement for guidelines to administer and supervise the program. These guidelines are intended to provide uniform and consistent procedures to all Corps operating agencies for the effective management of this program. This regulation, in effect, codifies an ongoing program which has been in effect for one year and which was publicly announced in the *FEDERAL REGISTER* at that time. Accordingly, this regulation is being published as a final rule.

EFFECTIVE DATE: December 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Bill C. Godwin, Construction-Operations Division, Civil Works Directorate, Office of the Chief of Engineers, Washington, D.C. 20314, 202-693-6984.

On a regional basis, information is also available through the Corps of Engineers Division and District offices.

SUPPLEMENTARY INFORMATION: The Department of the Army, acting through the Corps of Engineers, made public a notice of the Testing-of-the-Market (TOM) Program for the Dredging of Navigation Channels for implementation on 1 January 1977. That notice was announced in the *FEDERAL REGISTER* Document 7-36726, published on December 13, 1976, 41 FR 54212. The Testing-of-the-Market Program is hereby superseded by the Industry Capability Program (ICP) with this publication. Pursuant to Congressional authorization contained in the Public Works Appropriation Act of 1973 (Pub. L. 92-405) the Chief of Engineers announces the Corps of Engineers Industry Capability Program (ICP), under which the Corps will solicit bids on that portion of navigation channel dredging work traditionally performed by Corps dredges. The work to be advertised will amount to approximately 25 percent (by dollar vol-

ume) of the work performed by Corps hopper, sidecasting, cutterhead, dustpan, and mechanical dredges.

(Title II of Pub. L. 92-405, 86 Stat. 621, 623.)

Dated: November 29, 1977.

JAMES N. ELLIS,
Colonel, Corps of Engineers,
Executive Director, Engineer Staff.

In consideration of the above, final rules in 33 CFR 209.147 are hereby established as set forth in the following:

§ 209.147 Guidelines for the Industry Capability Program.

(a) *Purpose.* This regulation provides guidance for the administration and supervision of the Industry Capability Program (ICP).

(b) *Applicability.* This regulation applies to all OCE elements and all field operating agencies operating plant performing dredging, or performing dredging work under contract.

(c) *References.*

- (1) 33 U.S.C. 622.
- (2) 33 U.S.C. 624.
- (3) 33 CFR 209.145.
- (4) ASER 1-706; 18-108.
- (5) ER 37-2-10.
- (6) ER 1110-2-1300.
- (7) ER 1125-2-312.
- (8) ER 1130-2-307.
- (9) ER 1180-1-1.

(d) *General.*

(1) Pursuant to Congressional authorization contained in the Public Works Appropriation Act of 1973 (Pub. L. 92-405), the Chief of Engineers has prepared a report to the Congress on the national dredging requirements. The report relates to a study compiled by the firm of Arthur D. Little, Inc. The study, which was completed in 1974, has become known as the "National Dredging Study." The study covered Corps of Engineers dredging practices over the ten years prior to the study period, dredging requirements for the next ten years, and the administrative procedures of the Corps connected with dredging. In the report on the study, the Chief of Engineers concluded that a program to solicit bids for dredging work was desirable to ascertain the capability of the Industry to accomplish the work at reasonable prices and in a timely manner. Authority to conduct a program of this nature is within the general authority and responsibility of the Corps of Engineers to operate and maintain Federal navigation projects.

(2) This regulation includes uniform procedures to provide a basis for an objective evaluation of the Corps-Industry roles.

(3) The ICP includes two parts:

(i) *Part One: Hopper and Sidecasting Dredges.* A national summary generally describing the work performed by Corps hopper and sidecasting dredges is available for HQDA (DAEN-CWO-M) WASH DC 20314. The summary is in the form of a comprehensive set of annotated project maps and statistical data. Details of any given hopper and sidecasting

dredge project can be obtained from appropriate districts and divisions.

(ii) *Part Two: Cutterhead, Dustpan, and Mechanical Dredges.* A national summary describing dredging projects for these types of dredges is not available. The development of detailed guidelines and criteria, including project maps and statistical data, for this part of the Program will be accomplished by each division on a regional basis since this portion of the work is limited in nature.

(4) In addition to those projects advertised under the ICP as a result of Industry interest, other projects will be advertised when Corps plant is reasonably available and suitable. The advertisement of those projects outside of the ICP will include a representative number and type of jobs, including those advertised on an emergency basis. The advertisement of additional jobs, other than those selected by the Industry, will provide a representative array of statistics to determine the Industry capability and response to a wide variety of project conditions and requirements, including emergencies.

(5) An analysis of all data generated during the course of this Program will be made by DAEN-CWO-M to assess the relative effectiveness of Corps and Industry equipment to perform the national dredging requirements at reasonable cost and in a timely manner. This assessment will be based on the comprehensive data required in paragraph (f).

(e) *Guidance.*—(1) The standard procedures included in this ER are applicable to Parts I and II referred to in paragraph (d) (3). The program is scheduled for accomplishment over a four year period. Specific projects or portions of projects will be advertised during each fiscal year of the program. The advertisement of projects in which Industry has indicated a specific interest (paragraph (g) below) is preferred to the advertisement of projects in which there is no indication of Industry interest. However, there is always the possibility that Industry will not indicate sufficient interest to meet a minimum level of program performance or that projects selected by the Industry will not include a representative cross section of the Corps dredging requirements. Under these conditions, divisions and districts are instructed (paragraph (h) (4) below) to include additional projects. To assure a comprehensive program, the ICP will include projects traditionally performed by Corps plant (hired labor) and, as indicated in paragraph (d) (4), additional projects that have been accomplished, either occasionally or entirely, by contract. The Industry Capability Program will range in dollar volume from a minimum value equal to 25 percent of the fiscal year's total hired labor dredging program to an upper limit that is constrained only by the availability of funds combined with the availability of Corps plant to provide competitive bidding. The minimum value is a lower target level and may have to be revised commensurate with availability of funds and Corps plant. Out of the total

jobs advertised per fiscal year under this program, no more than 25 percent of the traditional Corps hired labor dredging projects will be advertised, unless approved by DAEN-CWO-M. The remainder of the total ICP projects advertised will be made up of dredging projects that have been accomplished by contract.

(2) Until such time as the Industry develops a capability to dredge exposed ocean bars on the Pacific coast, the ICP will exclude work being accomplished with Corps hopper dredges in this area. Therefore, the scheduling of these dredges will continue to follow current practices. However, if the Industry expresses a desire to compete for the exposed ocean bar work along the Pacific coast, arrangements will be made so that the Industry can submit bids for the performance of this work.

(3) Division engineers have the responsibility to assure that the guidelines prescribed in this regulation are implemented by their district engineers on a uniform basis. In the event a deviation from the standard program is considered necessary, DAEN-CWO-M will be notified two weeks in advance of the proposed change.

(4) A specific organizational element within each division and district will be designated as the contact point for Industry on all matters pertaining to the ICP. This organizational element will be responsible for appropriate coordination between district and division elements having an input to the program. Contingency plans are to be available for the utilization of Corps dredging plant on alternate projects prior to the opening of bids on each of the advertised jobs. It is necessary to assure that Corps plant will continue to be fully utilized so that the plant will be available to bid other jobs throughout the duration of the ICP. Such alternate projects, including consideration of deferred maintenance work, should be selected so as to have a minimum effect on the overall ICP target referred to in paragraph (e)(1). A copy of these contingency plans will be furnished DAEN-CWO-M for determination of inter-regional scheduling of equipment and budget requirements.

(5) Estimators must have experience in the operation and maintenance characteristics of the class of dredge used for the Hired Labor Estimate. If the Hired Labor Estimate is based on the use of a "borrowed" dredge, the "owning" district estimators will assist in the formulation of the estimate. All Hired Labor Estimates must have the approval of the division engineer to assure uniformity in the estimating procedures within each division.

(6) The ICP jobs will be placed on the market in accordance with existing procurement regulations and policies of the ASPR and ER 1180-1-1, including the Small Business Set-Aside requirements of ASPR 1-706. In cases where administrative requirements delay the award of a contract, the actions of the contracting officer shall be in consonance with the following:

(i) *Government Plant.* Where due to administrative delays, the commencement of dredging results in such a significant change in operating conditions as to impede efficient execution of work; or, if the delays result in questionable benefits to be derived from accomplishing the work, the contracting officer shall either defer the work entirely, or accomplish only that portion of the work necessary to meet the seasonal requirements.

(ii) *Contract.* Where due to administrative delays, the commencement of dredging results in such a significant change in operating conditions as to impede efficient execution of work with unreasonable increased cost to the contractor; or, if the delays result in questionable benefits to be derived from completion of the work, the contracting officer may terminate the work for the convenience of the Government in accordance with existing regulations.

(7) The Corps-Industry Working Group established during the development of the ICP, will remain active for the duration of the ICP. The Working Group will meet periodically to review the status of the program and to recommend any changes in the procedures and policies prescribed in this regulation.

(8) Projects selected for the ICP should meet all environmental criteria, including compliance with 33 CFR 209.145 "Federal Projects Involving The Disposal of Dredged Material in Navigable and Ocean Waters."

(9) Corps dredges are to be used in competition with Industry plant in accordance with the following policy for all dredging work.

(i) Where Corps dredges are available and have the capability to perform work being advertised for award to Industry, Corps dredges shall be used as the bases for hired labor estimates for evaluating bids in conformance with 33 USC 624. In those instances where the Industry low bid is more than 25 per centum in excess of the estimated cost of doing the work with Corps plant, the work will be accomplished with Corps dredges. Fair and reasonable contract estimates shall be used to evaluate bids received for dredging work only where Corps plant is not available and suitable.

(ii) Traditional district and division boundaries and policies on the restricted use of Corps dredges shall not be considered as limiting factors in determining the availability and utilization of Corps dredges. Division engineers currently having the responsibility for dredging plant shall review its utilization against division needs. Where unused Corps capability exists, the responsible division engineer will coordinate with other divisions.

(iii) To assure Industry the maximum number of opportunities to display the effectiveness of its equipment, Corps dredges shall compete as often and under as many different situations as possible, including emergencies. In some instances this may result in Corps plant performing work currently done by In-

dustry; in others, Industry can be expected to pick up work normally done with Corps plant. In the final analysis, every job where Industry has been given the opportunity to compete will be considered in determining the manner in which future Federal dredging programs will be executed.

(10) The Hired Labor estimating procedure has been standardized Corps-wide, in accordance with the guidance outlined in ER 1110-2-1300. In order to assure uniformity in their programs, division engineers will arrange periodic meetings to discuss the adequacy of the estimating procedures. A copy of the summary of these meetings will be furnished DAEN-CWO-M to assure that standard estimating procedures are used throughout the Corps.

(11) Protests to the Government estimate or award, or difficulties in resolving controversies in specification provisions, could result in undue delays in the orderly and economical accomplishment of the dredging work. Every effort will be made by the Corps to resolve protests in a timely manner. However, such delays could have a serious impact on navigation and, depending upon the extent of protests registered, it may become necessary to adjust the extent of the ICP as indicated in paragraph (e)(6). In emergencies and other critical cases, the immediate assignment of a Corps dredge to the work may become necessary. However, the approval of DAEN-CWO-M will be obtained prior to taking such an action.

(12) All projects awarded to the Industry during the ICP may be readvertised in subsequent years of the program as the need for dredging arises and Corps funds and plant are available.

(f) *Documentation and Reporting.* (1) During the course of the ICP it is essential that divisions maintain complete the detailed records to provide for the reporting requirements referred to in paragraph (f)(2). Prompt surveys must be made to determine the before and after dredging quantities. In addition, frequent surveys will be made to assure that the effects of shoaling or scouring rates are minimized. It is most important that this information be available. Therefore, if necessary, surveys will be accomplished by contract with the proviso that the firm has licensed surveyors and is not associated with the dredging firm. In all cases, complete hydrographic survey records must be maintained. To that end the following guidance is furnished as to the information that should be annotated on the survey charts:

(i) *Predredging Survey.* Show the date the survey was performed.

(ii) *Acceptance Section Surveys.* Show the dates the surveys were requested, performed and furnished to the master or captain of the Industry or the Corps dredge.

(iii) *Final Acceptance Survey.* Show the dates the survey was requested, performed and furnished to the master or captain of the Industry or the Corps dredge.

(2) During the course of the ICP, division engineers will make quarterly reports on a project by project basis and a summary report at the end of each fiscal year for all maintenance and new work dredging activities. The reports shall include all dredging work performed during the fiscal year, including both hired labor and contract work performed under the ICP and all dredging work performed outside the ICP. A copy of each quarterly report will be furnished DAEN-CWO-M within thirty days following the quarter, with separate tabulations for maintenance and new work activities. The reporting format is attached as Appendix A. The quarterly and summary reports shall include the estimated and actual costs and times required for the plant (Corps or Industry) to perform the work. The summary reports shall be furnished DAEN-CWO-M within thirty days following the end of the fiscal year in which the work is performed. These reports (both quarterly and summary) shall include all division dredging work performed during Fiscal Year 1977 through 1980, including dredging work performed for beach nourishment, levee construction and land reclamation as well as for the maintenance or construction of navigation channels. For Fiscal Year 1977, a single report (instead of the quarterly reports specified) on each maintenance and new work project shall be submitted to DAEN-CWO-M in addition to a summary report.

(g) *Preliminary Project Selection.* The following guidance is to be followed by the divisions and districts in the development of a list of projects for Parts One and Two of the ICP.

(1) Individual contractors and their regional and national associations will be requested by the division to submit, annually, a list of projects they desire to be advertised under the ICP. The list may include only a portion of a project best suited to Industry plant so long as the remaining portion or portions of the project are suitable for efficient and economical accomplishment by Corps plant. Project maps and dredging records of projects being considered will be furnished the Industry to assist in their evaluation of projects. As indicated in paragraph (d) (3) (i), a national summary of Part One projects is available from DAEN-CWO-M.

(2) In order to assure that a meaningful list is developed, the district engineer must emphasize to the Industry representatives that the following data for each of the projects should be considered in the selection of projects by the Industry:

(i) Detailed information available from Corps Districts; such as the specific areas dredged by Corps and/or Industry dredges in previous years; face and type of material to be removed; latest surveys available; location of disposal areas; before and after dredging surveys of previous work; environmental considerations and other pertinent records and information.

(ii) The class of Corps plant previously used on the work.

(3) The preliminary lists of projects which the Industry members desire to be advertised will be accepted from individual firms or from regional or national associations. These lists may be mailed or given to the organizational element designated in the division and district offices as provided for in paragraph (e) (4). The procedure for the final selection of the ICP projects that will be advertised during a designated fiscal year is described in paragraph (h).

(h) *Final Project Selection.* (1) After evaluating the information furnished by the Industry and the overall dredging workload requirements, division engineers will prepare proposed advertising schedules for Parts One and Two by multiple fiscal years after due consideration of current year funds, budget year projections, and the availability of Corps plant. The total estimated dollar value of the projects selected by the divisions should reflect the guidance provided in paragraph (e) (1). A copy of a composite list of the projects selected for the ICP and the projects outside the ICP, complete with advertising and estimated performance schedules, will be forwarded to DAEN-CWO-M to aid in the coordinated implementation of the program. Divisions and districts, by public notice or any other suitable means, will notify the Industry on a national basis of the projects scheduled for advertisement in a given fiscal year. Each year upon release of the President's Budget, the budget year projections will be reviewed and the multiple fiscal year program schedule adjusted accordingly. The development of advertising schedules will be coordinated with Industry representatives.

(2) Any adjustments in the listing of projects will be furnished DAEN-CWO-M immediately after the adjustment is made.

(3) A representative number of jobs requiring immediate action on an emergency basis will be scheduled for advertisement. These jobs will be scheduled even if Industry does not express an interest.

(4) In the event the Industry list of projects does not meet the minimum guidance of paragraph (e) (1), the division engineer will prepare a list of additional projects to make up the difference.

(i) *Specifications.*

(1) *Scheduling Flexibility.* (i) Subject to the needs of navigation and emergency dredging work, the start and completion dates for projects will allow sufficient flexibility to permit the most efficient use of plant as related to bidding other work on the market and favorable weather and seasonal conditions.

(ii) The bidding schedule must allow for reasonable time to resolve bid protests, and permit contract award such that the performance of project dredging requirements may be accomplished by Industry (or Corps) dredges during normal seasonally favorable dredging conditions. Where there is insufficient time

to bid a project prior to the onset of unfavorable dredging conditions, the work must be amended in scope and/or rescheduled as indicated in paragraph (e) (6), or performed by Corps plant where emergency or critical dredging exists as indicated in paragraph (e) (11).

(iii) Where the interest of navigation traffic will allow, dredging frequencies at any given project will be adjusted to permit sufficient accumulation of shoaling between dredging periods to provide for economical dredging. When feasible and justified by shipping requirements, division engineers may provide for advance maintenance to extend the time interval between maintenance dredging operations.

(2) *Units of Pay.* (i) Pay quantity will normally consist of the cubic yards on in-place material removed from within the required pay prism, plus the side slope and overdepth allowances, except as provided for under paragraph (i) (2) (ii) below. Before and after dredging surveys will be taken to determine the quantity of the pay material removed, as well as frequent progress surveys as discussed in paragraph (f) (1). The required pay prism includes that material lying between the contract limit lines and above the depth to which material is required to be removed.

(ii) Other methods of work measurement and payment may be utilized where seasonal, weather or rapid shoaling conditions preclude the use of normal surveying procedures for before, during and after dredging soundings. In these exceptional cases a mutually agreed upon plan for payment will be worked out between Industry and the contracting officer prior to advertisement. Prior approval of these plans by DAEN-CWO-M is required. However, it must be recognized that plans other than for the in-place measurement of material will be the exception rather than the rule. Careful selection of acceptance section lengths coupled with timely surveys should minimize the need to utilize bin, scow, pump production, or any other alternate method of determining the payment quantities. If these latter methods are used for payment purposes, surveys should be made on a frequent basis to provide adequate monitoring of job progress.

(iii) In all cases, the specifications will include provisions or clauses that will permit any type of dredging plant to be bid on the work. This provision is essential to assure that the entire Industry has an opportunity to bid every job advertised.

(3) *Allowances and Tolerances.* (i) *Overdepth.* The allowable pay overdepth for maintenance projects will normally be two feet. However, the latitude in determining the payment yardage for a given project provided for in paragraph (i) (1) (ii) will be utilized whenever practicable.

(ii) *Side Slopes.* Material actually removed to provide side slopes not flatter than those shown on the contract draw-

ings, but not in excess of the amount originally lying above the specified side slope, will be paid for, whether dredged in its original location or by dredging a space below the allowable pay overdepth slope plane at the bottom of the slope to accommodate the upslope material falling into the cut. To the extent practicable the Corps will prescribe side slopes not steeper than the natural angle of repose of the material to be dredged. Pay overdepth allowed for the channel cut will also apply to the side slopes, measured vertically. The provisions of this paragraph also apply to end slopes.

(iii) *Toe of Side Slopes.* Any residual material remaining above the required pay prism as defined in paragraph (i) (2) (i) above will be accepted, but not paid for, provided this material lies below a specified tolerance line. This tolerance line is defined as a straight line joining the following two points: (A) a point on the required pay prism base line located a distance of one-fourth channel width from the channel center line; and (B) a point located at the channel line and above the required pay prism base line a distance equal to the specified channel overdepth, but not exceeding 2 feet.

(iv) *Tolerance.* In addition to the tolerance limits established in paragraph (i) (3) (iii) above, the district engineer may include a tolerance provision in the specifications for acceptance of shoal material remaining above the required pay prism, but not to be paid for, in the remaining channel area, provided the material is of such nature that the presence of a number of shoals of minor depth deviation would have a negligible effect on navigation or when the required pay prism depth includes advance maintenance. For this purpose, the remaining channel area is defined as that portion of the channel which lies between two points located on the required channel prism baseline a distance of one-fourth channel width from and on both sides of the channel center line. The selected tolerance depth should be realistic and based on the nature of the bottom material but in no case will it exceed 0.5 foot and only if the maximum width of each shoal area is less than 5 percent of the full project channel width and further provided that the longitudinal length of any given shoal does not exceed 25 percent of the project channel width. In addition, the cumulative widths of the various individual shoals within the shoal area, at any given channel cross section, cannot exceed 25 percent of the channel width. In all cases the maximum length for any shoal is 25 percent of the channel width.

(4) *Acceptance Section Lengths and Widths.* For both the Corps and the Industry, prescribed acceptance section lengths and widths shall be suitable and equitable for the types and size of dredges expected to bid on the work. Since the jobs may be bid on the basis of a wide variety of dredges, the specifications shall clearly indicate the respective ac-

ceptance section lengths applicable to each type of dredge. The dimensions of the acceptance sections shall be consistent with the shoaling rates and patterns peculiar to the project and the production capabilities of the type dredges involved. Acceptance section lengths for cutterhead, dustpan and mechanical dredges will fall generally within the range of 1,000 to 2,000 feet depending upon the nature of the project. Acceptance section lengths for hopper dredges will fall generally within the range of 2,000 to 4,000 feet subject to the nature of the project. However, if unusual conditions or circumstances make it impractical to limit the acceptance section lengths to the ranges indicated above, a deviation is permissible. Acceptance section widths also should be realistic based on the types of dredges involved and the shoaling rates in the channels so that the successful bidder will not be burdened for an undue period for maintenance of completed work.

(5) *Disposal Areas.* All approved Corps disposal areas will be made available to Industry and Corps plant. This is not to preclude Industry from furnishing its own environmentally approved disposal areas provided their acceptance by the Corps will not delay start and completion of the work beyond the time prescribed in the specifications.

(6) *Performance Period.* There has been an increasing trend for districts to specify extended performance periods, which can limit the effective use of the project by commerce. The performance period stated in the specifications is to be carefully analyzed to assure that it is not excessive.

(7) *Specific Job Restrictions.* Any specific job restrictions or condition should be discussed with Industry before selections are made for the ICP. No changes in the stated restrictions or conditions, either by deletion or addition, should be made without advising the Industry.

(j) *Review of Plans and Specifications by Prospective Bidders.* Prospective bidders are to be encouraged by the contracting officer to review project plans and specifications with the intent of offering suggestions for changes, in the interest of providing the least restrictive and most economical job requirements consistent with environmental considerations and availability of funds. Whenever possible, a preliminary set of plans and specifications will be made available prior to advertising for Industry comment and suggested changes. Whenever time does not permit a pre-advertising review of the plans and specifications and Industry requests such opportunity for review of the plans and specifications, the time between the date of advertisement and the date of opening bids should be extended beyond the usual 30-day period an additional period of 15 days to allow time to consider any Industry suggestions.

(k) *Bidding Time.* Subject to appropriate consideration of the relative

urgency of the work and the impact on commerce, the time allowed between advertisement and opening of bids will be not less than 30 days. Bid opening dates may be extended as warranted by circumstances. This provision does not apply to those jobs advertised on an emergency basis.

(l) *Pre-Bid Opening Actions.* In order to facilitate the comparison of the low bid with the hired labor estimate, attendant Corps costs including surveys, supervision, inspection, and overhead to be added to the low bid for evaluation purposes will be stated in the specifications.

(1) Since the amount of the attendant Corps costs cannot reasonably be determined prior to preparation of the Hired Labor Estimate, the information will be furnished by an amendment to the specifications prior to opening bids reading generally as follows: "AWARD OF CONTRACT. Award will be made to one bidder. The Corps Hired Labor Estimate for this work will be based on a Corps-owned dredge of the (insert name and type of dredge) class utilizing (insert an ocean dumping area, direct pump-out, or insert any other type of disposal). An item of allowance profit will not be included in the Corps estimate. Attendant Corps costs, including surveys, supervision, inspection, and overhead, will be added to the low bid for the purpose of determining reasonable costs pursuant to ER 1180-1-1, paragraph 1-372(g). The amount of Corps costs to be added for this evaluation is estimated at \$-----."

(2) In those cases where more than one type of dredge is suitable for the work, the amount of Corps costs for each type should be shown. The amount of costs to be added to the contractor's bid should be predicated on the type of plant involved and the estimated performance period of each type with consideration being given to differing disposal techniques, changes in environmental conditions, monitoring imposed by differing water quality considerations, and any other pertinent consideration. In this case, the specifications will contain the estimated Corps cost for each type dredge, properly identified.

(m) *Post Bid Opening Action.*—(1) After opening of bids, the low bid will be adjusted to provide for the attendant Corps costs (see para. (1) above) and comparison made with the hired labor estimate to determine whether award should be made or all bids rejected. Prior to rejection of bids, the low bidder will have the right to protest the adequacy of the Corps Hired Labor Estimate. The Corps will take all possible means to expedite processing of protests.

(2) Immediately after bid opening the following information will be provided DAEN-CWO-M by telephone and subsequently in writing.

(i) Project name and estimated total yardage.

(ii) Government Estimate.

(iii) Attendant Costs.

(iv) Name of Plant (Corps or Industry).

(v) Number of bids received and apparent low bidder.

(vi) Apparent low bid and high bid.

(vii) Estimated starting date and estimated completion date.

(3) An Abstract of Bids will be furnished DAEN-CWO-M at the earliest practicable date after bid opening.

(n) *Supervision and Administration.*—
(1) *Equal Application.* The same level of supervision and inspection effort is to be applied to both Corps and Industry dredging operations.

(2) *Dredging Surveys.* Ordinarily, predredging surveys for payment or crediting purposes will be made immediately prior to commencement of the work. Normally, a sufficient length of channel in advance of the dredge will be surveyed to assure that the dredge will not be delayed in prosecution of the work. Final or after dredging surveys will be made upon completion of the entire work, if a small job, or, if a major job, upon the completion of each acceptance section as set forth in the specifications. However, in fast shoaling reaches the acceptance survey procedure, in equity to both the Corps and the contractor may be varied to meet the unusual job conditions. To minimize controversial issues in connection with surveys for dredging, the following is prescribed:

(i) Initial or estimated quantity surveys made for the purpose of obtaining quantities to include in plans and specifications will be made as close to the advertisement date as possible, but not more than 120 days prior to advertisement.

(ii) Original or predredging surveys for payment or crediting purposes will be made as close to the start of dredging as possible, but not more than 30 days prior to commencement of work in the section or channel reach to be covered by the survey. Plotted surveys will be made available to the dredge master or captain prior to the start of the work. However, in those cases where the initial survey is recent enough and the dredging area is relatively stable there may not be a need for a predredging survey. If a district engineer feels that a particular job falls within this category he could state in the specifications that the initial survey is recent and a more current one is not deemed necessary. However, if the contractor makes a request, a pre-dredging survey will be made.

(iii) Final or after dredging surveys for acceptance and payment purposes will be made as soon as possible, but not more than two weeks after completion of work in any acceptance section or other unit of work as prescribed in the specifications paragraph Final Examination and Acceptance. However, since the expeditious release of the dredging equipment upon completion of dredging operations is of prime importance, completion of all work in the final acceptance section by the dredge under the contract, remaining surveys for acceptance will be completed within three calendar days,

except as provided for in paragraph (n) (2) (iv) below.

(iv) Deviations from the above prescribed limiting time elements may be necessary because of unusual job conditions or adverse weather. In such instances a memorandum for record explaining the justification for such deviation should be made a part of the contracting officer's project file.

(v) Results of surveys made pursuant to the specifications paragraph final examination and acceptance will be furnished to the dredge master or captain at the work site as the acceptance sections are surveyed and found satisfactory.

(vi) In instances where the contracting officer's representative finds it necessary to direct redredging because of a lack of acceptable depth a survey map or record of soundings specifically identifying those areas where acceptable depths do not exist will be made available to the dredge master or captain at the work site for examination before the start of redredging.

(o) *Hired Labor Estimates.* ER 1110-2-1300 provides the basic guidelines, procedures and format for preparing hired labor estimates for hopper dredging and hydraulic pipeline dredging. Its objective is to assure Corps wide standardization of the procedures for preparing hired labor estimates. Accordingly, all hired labor estimates prepared under the ICP will be in accordance with the provisions and guidelines of ER 1110-2-1300. However, in order to assure estimating uniformity and a common understanding of the terms and procedures associated with dredging work, particularly that performed by hopper dredges, the following information and guidance is furnished in connection with the preparation of hired labor estimates:

(1) *Corps Historical Plant Performance Records.* (i) Traditional yardage terms used by the Corps in its reporting system and historical records for the hopper dredges are as follows:

(A) *Hauled yardage.* Bin measurement, computed in terms of volume of material at in place density.

(B) *Agitated yardage.* Pump production measurement, computed in terms of volume of material at in place density.

(C) *Pay place (credited) yardage.* Quantity of material removed from within the maximum pay prism including allowable overdepth, all as computed from before and after dredging surveys.

(D) *Excess yardage.* Quantity removed from outside of the maximum pay prism which includes allowable overdepth; based on before and after dredging surveys.

(E) *Estimated natural shoaling or scouring.* The in place volume of material estimated to have been deposited or removed within the maximum pay prism by natural causes based on historical records of shoaling or scour patterns.

(ii) Corps records of hopper dredge performance on projects where accurate

and complete before and after dredging surveys were made to provide in place yardage data (items (o) (1) (i) (C) and (o) (1) (i) (D) above) should provide a good basis for estimating dredge production on the same or similar work. It is recognized that on certain projects such data may be lacking and dredge performance may have to be estimated on the basis of hauled yardage (item (o) (1) (i) (A) above). Therefore, the judgment factor required to estimate the pay place (or credited) yardage, the excess yardage and the pay yardage remaining above the allowable pay overdepth grade, where only prior data on hauled yardage is available, becomes of paramount importance.

(iii) When relating past performance records and costs to IC jobs, the estimator must recognize the need for a review of the records and how they were developed, adjusting where necessary to translate dredge performance as reflected by the historical records to specific contract requirements for the proposed work. For example, such differing requirements may be reduced production in fillet areas and slopes (possibly not required on prior in-house work); more cleanup; higher survey costs; and other restrictive or more stringent specification requirements.

(2) *Checklist of Items to be Considered in Hired Labor Estimates.* (i) Plant rates shall include all costs involved in operating the dredge as required and recorded on ENG Form 22, except that the cost item for the plant replacement increment shall not be included. However, the estimate shall include estimated changes in cost of fuel, supplies, payrolls, repairs, etc., not included in the current plant rates.

(ii) A pro-rata share of land and dock support facilities and other costs applicable to the dredge operation and the performance of work on a given project.

(iii) All attendant and support plant required, such as tugs, barges and cranes.

(iv) Preparatory work and mobilization costs shall be realistically estimated, including special rigging and other additions to existing plant as required to accomplish a specific task on a particular job.

(v) In formulating the hired labor estimate the volume of undredged pay quantity and excess nonpay quantity will be realistically estimated, using experience in similar materials for the type of dredge used in the estimate.

(vi) Cleanup and delay costs incidental to job acceptance.

(vii) Contingencies that might be applicable when experience or performance records on the same or similar projects are not available.

(viii) The cost of surveys performed for acceptance and payment purposes should be comparable if the work is performed by Corps plant or under contract provided similar type plant and performance periods are involved. However, the cost of surveys required for operational control during the course of the

work performed by Corps plant will be considered a direct cost item. Similarly, operation control surveys required by industry plant will be the contractor's responsibility and at his expense.

(ix) In some instances natural shoaling or scouring can occur between the time of survey made prior to the bidding of the job and the survey be made before commencement of dredging. When such shoaling or scouring is expected to be of such magnitude that it would affect the unit cost of dredging, notwithstanding any modification in contract price which is provided for in the "Variations in Estimated Quantities" provision in the specifications, then such shoaling or scouring should be considered in the preparation of the plans and specifications. Shoaling of this type should be considered in the development of the bid schedule quantities in the specifications by adjusting the quantities to be dredged, as computed from the prebidding survey to account for the shoaling or scouring. The net yardage derived in the adjustment becomes the bid schedule advertised quantity. In such cases the specifications should clearly state that the quantity shown in the bid schedule includes an adjustment of a specified amount. The volume of natural shoaling or scouring that may occur in an acceptance section during the period of the dredge operation is usually minor extent and is not considered in the development of the estimate of the gross quantity of material to be removed. However, if the district engineer considers that the effect of such shoaling or scouring on the estimate would be significant, then an allowance of the yardage involved may be provided in the estimate of gross yardage.

(3) *Estimating Format.* (i) The estimating format in the Appendixes of ER 1110-2-1300 provides estimators with guidelines for preparing an estimate for the proposed work. While the specific examples provided in the Appendixes are for hopper dredge and hydraulic pipeline dredge, it is intended that with minor changes the format can be used for other types of plant (sidescaster, dustpan, plain suction, mechanical). However, DAEN-CWE-BA is to be advised of any deviations of a major nature, other than those associated with the requirements to adapt the format to a specific type dredge plant, that may become necessary to accommodate a particular situation.

(ii) Estimates are to be based on cost without profit, using current data. Job requirements are to be carefully analyzed and evaluated by an experienced engineer with a background in dredging. Completed estimates should be reviewed for accuracy and completeness by an employee with dredging experience to reduce the possibility of errors and omissions. Current cost data should be maintained by correspondence with competent sources, as opposed to verbal con-

tacts, and by careful records of analysis of completed comparable work.

(iii) The original Government estimates of jobs actually performed can serve as a reference for future estimates, especially for recurring work. For such estimates to serve as an updated reference, they must be revised to reflect actual job performance and costs. The usual method of keeping estimates records current is to copy on the estimate next to each item the actual pertinent cost and performance data from the job completion report. This will direct attention of the estimator to major deviations between the estimated and actual amount so that adjustments can be made in future estimates.

(4) *Approval.* All hired labor estimates for the ICP must be approved by the division engineer prior to the opening of bids.

APPENDIX A—FORMAT FOR REPORTING INFORMATION ON DREDGING PROJECTS

Information relating to scheduling timeliness of the dredge performance and any adverse effects on navigation are to be documented for future reference as part of the overall assessment. Compile separate tabulations for new work and maintenance projects. Specific information which is to be compiled for all dredging projects, as specified in paragraph (f) (2) of this regulation, is as follows:

1. Name of the reporting Division and District.
2. Project identification and description (include method of disposal, diked areas or open water, required project depth, overdepth in feet, project width, type of material, exposed or protected area, distance to disposal area, elevation of disposal area, and all other pertinent information).
3. Type of project, whether maintenance, new work, or a combination of both categories.
4. Type of program, designation, whether the project was performed under the ICP or outside the ICP.
5. Date of Bid Opening and Date of Contract Award.
6. Abstract of Bids. (Attached as an enclosure.)
7. Contract number (where applicable) and date.
8. Contractor's name (where applicable) and identification as to whether the contractor is small business or large business.
9. Date of Notice to Proceed.
10. Date of Equipment arrival at the projects.
11. Date that dredging work started.
12. Date that all work was completed.
13. Corps or Contractors Dredge that performed the work by name and description (including discharge diameter, pump and cutterhead horsepower).
14. A list of attendant plant, including basic descriptive information.
15. Performance Time (estimated and actual).
16. Total Required Pay Prism Yardage including side slope allowance (Estimated and actual).
17. Total Allowable Pay Overdepth Yardage (Estimated and actual).
18. Maximum Pay Yardage, (16) + (17) items above (Estimated and actual).
19. Total Non Pay Yardage (Estimated and actual).
20. Total Pay Overdepth Not Dredged (Estimated and actual).
21. Total Pay Material Remaining (Tolerance) (Estimated and actual).

22. Total Gross Yardage, (18) + (19) - (20) - (21) (Estimated and actual).

23. Total Net Pay Yardage, (18) - (20) - (21) (Estimated and actual).

24. Average Depth in Feet: a. Overdepth not Dredged (Estimated and actual). b. Non Pay Yardage (Estimated and actual).

25. For Hopper Dredges Only—Actual Total Hauled Yardage.

26. Total Cost (estimated and actual) for each payment item including all settled claims and modifications. (For work performed by Corps plant, the actual total cost for purposes of this report, should not include the plant replacement increment cost item but should include (a) the additional allowance for Retirement, Health and Life Insurance to conform with the requirements of OMB Circular A-76 as revised by Transmittal Memorandum No. 3, (b) the cost allowance of 1 1/4 percent of base pay to cover compensation for injuries to Government employees under the Federal Compensation Act and (c) interest on the invested capital as per paragraph (f) of ECI I-372. All the above cost items should also be separately identified and shown by their respective individual amounts).

27. Unit Cost for Dredging payment item only. (Applicable Total cost for dredging payment item in (26) divided by (23)). (Estimated and actual).

28. Total cost to the Corps for supervision and inspection, separately identified; and an indication whether these amounts are included in item (26) both estimated and actual.

29. Total Number and Dollar amount of modifications to contract.

30. Total Number and Dollar amount of claims settled.

31. Total Number and Dollar amount of claims pending.

32. Estimated date for settlement of pending claims.

33. Protests, total number, type and impact. Includes protests of specification provisions, small business set asides, Government estimates or awards.

34. An overall assessment of the dredging work performed including any preaward problems not covered in item (33) above and post award problems that may have been encountered, such as requests for delays in commencement of work, damage to plant, emergency removal of plant, strikes and other significant work disruptions. The assessment should include information that relates to any adverse impact on navigation traffic that may have resulted from the dredging operations such as: a. Interruptions and Impediments to Navigation Traffic.

(1) Vessel Name, Owner, and total displacement.

(2) Length, beam and draft of vessel.

(3) Nature of cargo.

(4) Number of barges in tow, if applicable.

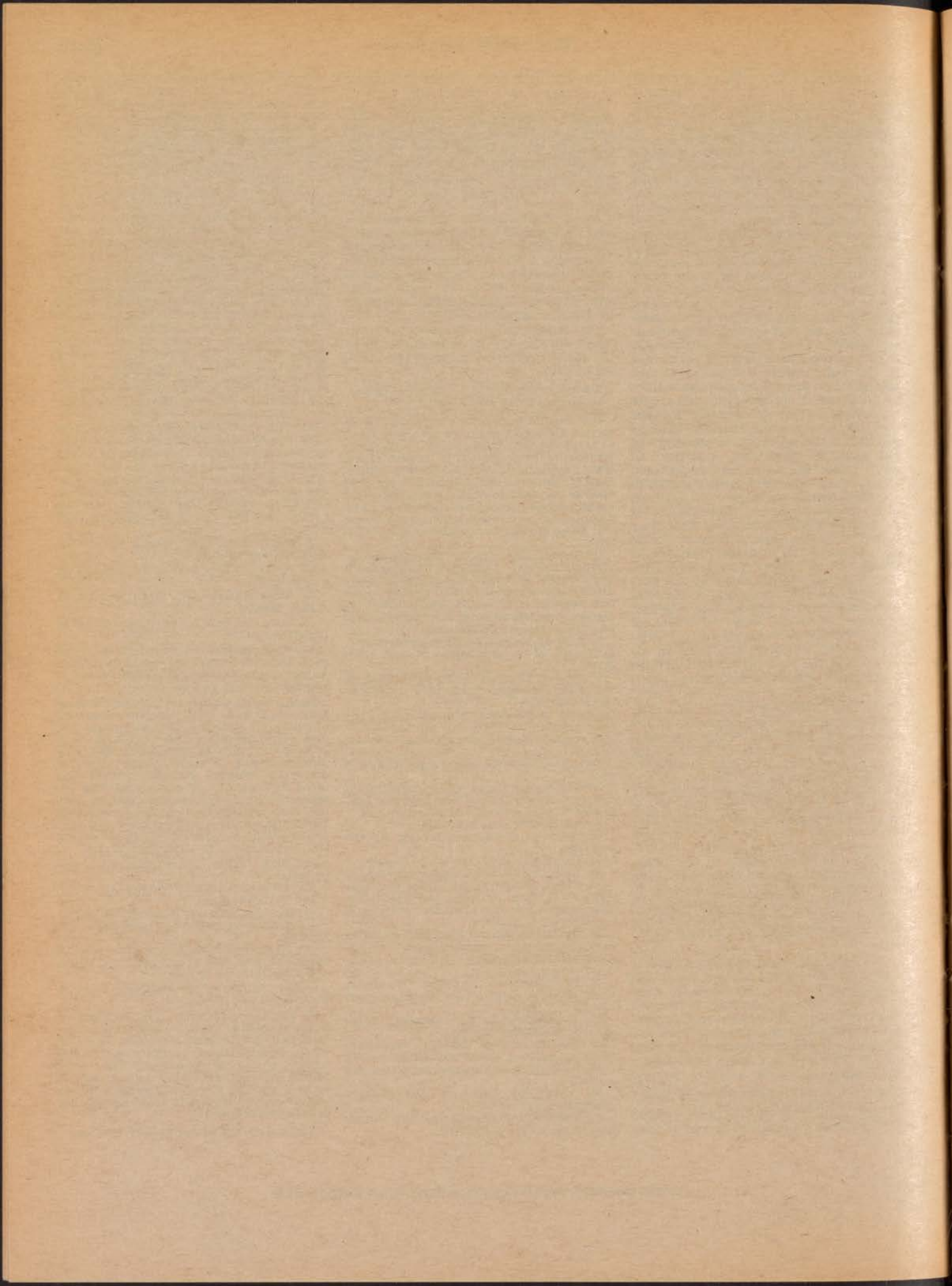
(5) Reason for and duration of the interruption.

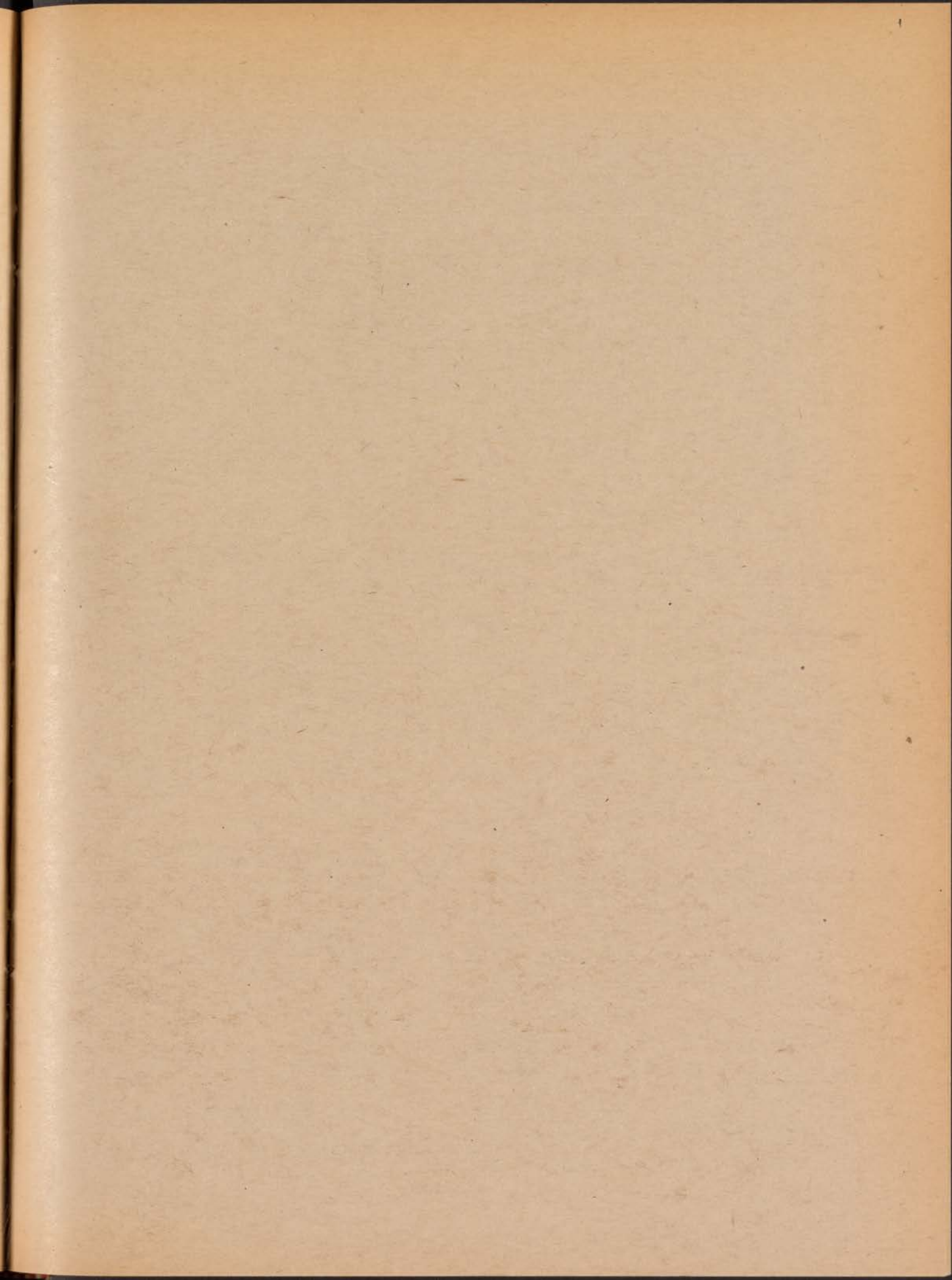
(6) Requirement for and estimated dollar impact of light loading of navigation traffic. b. Stage of river or tide.

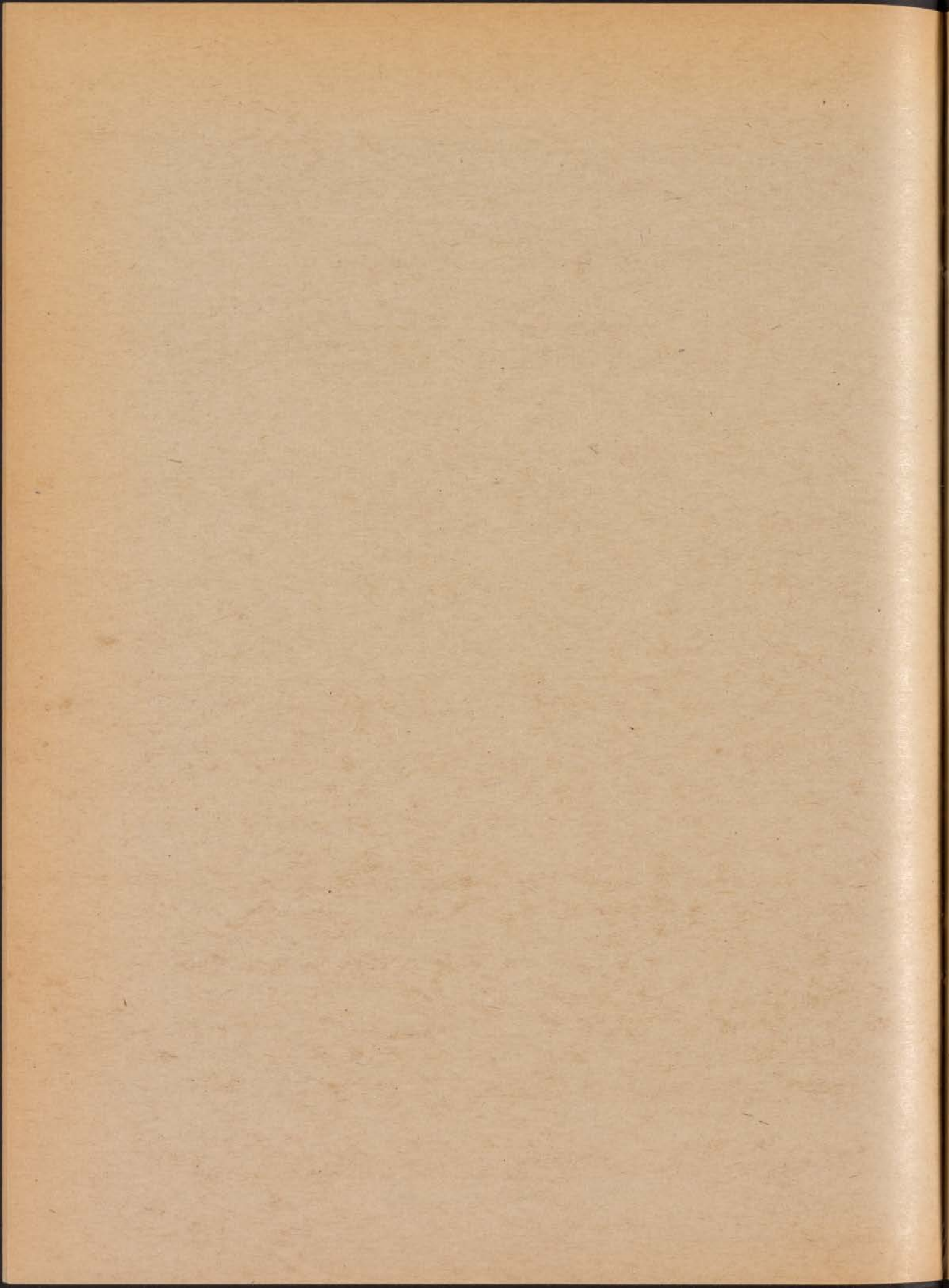
c. Any significant contributory current or wind conditions.

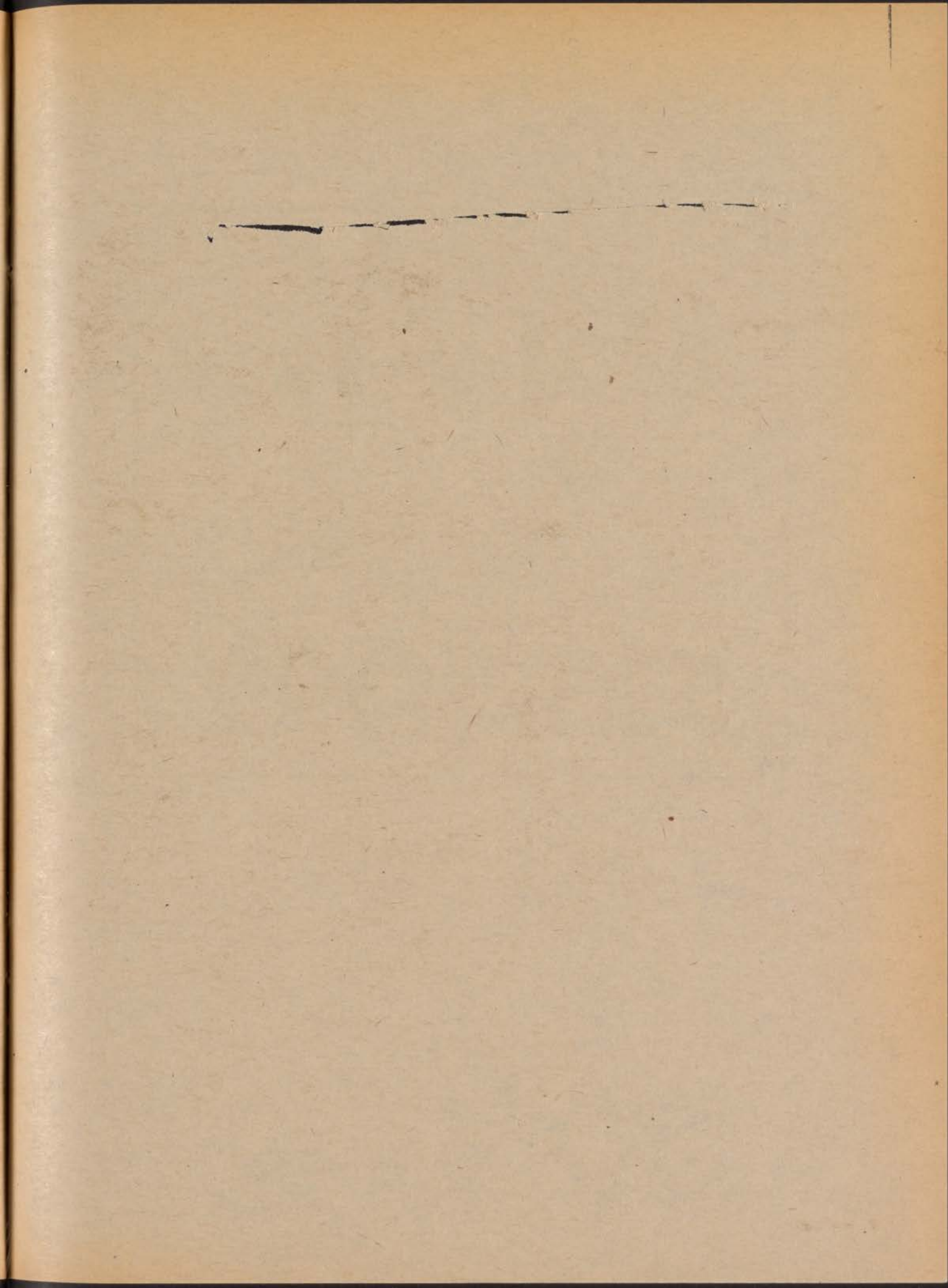
35. In those cases where the Corps dredge is the successful bidder, a report should be furnished the applicable Division Engineer by the District summarizing the nature and content of the Corps estimate. The report should be in sufficient detail so that we will be in a position to respond immediately to any subsequent inquiry as to the equitability of the Corps estimate.

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