AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol. 43—No. 69
4-10-78
PAGES
14957-15123

federal register

MONDAY, APRIL 10, 1978

highlights

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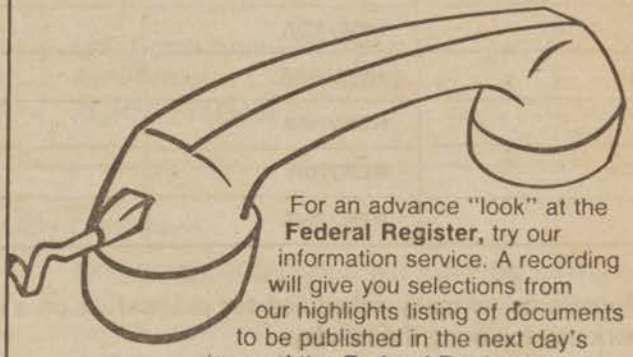

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
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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.

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

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

federal register
Area Code 202 Phone 523-5240

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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.

[4410-01]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 299—IMMIGRATION FORMS

PART 499—NATIONALITY FORMS

Current Edition Dates of Service Forms

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This order amends the lists of immigration and nationality forms published in the Service's regulations to reflect the current edition dates of certain Service forms which have been revised. The amendments are being published for the information and guidance of all persons involved in immigration and nationality work.

EFFECTIVE DATE: April 10, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The edition dates of several immigration and nationality forms included in the lists published in 8 CFR 299.1 and 8 CFR 499.1 have been changed.

Accordingly, 8 CFR 299.1 and 8 CFR 499.1 will be amended to reflect the current edition dates of the forms indicated.

The following amendments are hereby prescribed to parts 299 and 499 of chapter I of title 8 of the Code of Federal Regulations:

In § 299.1, the listing of forms is amended to reflect the current edition dates of the following forms:

§ 299.1 Prescribed forms.

* * * * *

Form No.	*Title and description*
* * * * *	
I-38 (7-25-77)	Decision of the Immigration Judge.
* * * * *	
I-53 (1-1-78)	Alien Address Report.
* * * * *	
I-130 (10-1-77)	Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa.
* * * * *	
I-171C (9-1-77).....	Notice of Approval of Nonimmigant Visa Petition or of Extension of Stay of H or L Alien.
* * * * *	
I-256A (2-15-77).....	Application for Suspension of Deportation.
* * * * *	
I-486A (11-10-76)....	Medical Examination and Immigration Interview.
* * * * *	

In § 499.1, the listing of forms is amended to reflect the current edition dates of the following forms:

§ 499.1 Prescribed forms.

* * * * *

Form No.	*Title and description*
* * * * *	
N-565 (9-19-77).....	Application for a New Naturalization or Citizenship Paper.
* * * * *	

(Sec. 103; 66 Stat. 173; (8 U.S.C. 1103).)

The above amendments are issued pursuant to section 552 of title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561) and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1. Compliance with section 553 of title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendments contained in this order are editorial in nature.

Effective date: The amendments prescribed in this order become effective on April 10, 1978.

Dated: April 4, 1978.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc. 78-9403 Filed 4-7-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17506; Amdt. 39-3180]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd., BH/HS 125-600A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires replacement of the existing guards for the engine blow-off valve switches with new guards which would allow a more rapid activation of the switches on Hawker Siddeley Aviation Ltd., Model BH/HS-125-600A airplanes. The AD is needed to prevent surging and possible flameout of the engines after bird ingestion which could result in possible deterioration of airplane performance.

DATE: Effective May 10, 1978. Compliance required as indicated.

ADDRESSES: The applicable service bulletin may be obtained from: Hawker Siddeley Aviation Inc., Suite 206, Blake Building, 1025 Connecticut Avenue NW., Washington, D.C. 20036, telephone 202-223-9350. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

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

American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, requiring replacement of the existing guards for the engine blow-off valve switches with new guards which would allow a more rapid activation of the switches on Hawker Siddeley Aviation Ltd., Model BH/HS 125-600A airplanes, was published in the FEDERAL REGISTER at 42 FR 64904 on December 29, 1977. The proposal was prompted by the FAA's determination, based on a recommendation of the United Kingdom Accident Investigation Board, that such action was needed to prevent surging and possible flameout of the engines after bird ingestion which could result in deterioration of airplane performance.

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

The principal authors of this document are F. J. Karnowski, Europe, Africa, and Middle East Region, F. H. Kelley, Flight Standards Service, and P. Lynch, Office of the Chief 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 adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION LTD. Applies to BN/HS 125-600A airplanes, certificated in all categories.

Compliance required within 1 month after the effective date of this AD, unless already accomplished.

To prevent possible inability to activate the engine blow-off valve switches in the event that birds are ingested into the engines on take-off, accomplish the following:

Remove the existing switch guards for the engine blow-off valve switches and replace with the new design guard, P/N 25-6 NF 2629, in accordance with the section entitled "Accomplishment Instructions" and the associated drawing, contained in Hawker Siddeley Aviation, Ltd. Service Bulletin 75-3(2580), dated June 21, 1977, or an FAA-approved equivalent.

This amendment becomes effective May 10, 1978.

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

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

Issued in Washington, D.C., on March 31, 1978.

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

[FR Doc. 78-9397 Filed 4-7-78; 8:45 am]

[4910-13]

[Docket No. 78-CE-5-AD; Amdt. 39-3174]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 150 and 152 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Cessna 150 and 152 series airplanes. The AD requires a one-time visual inspection for cracks in eight NAS1068A4 nutplates installed on the Part Number 0432004-9 vertical fin aft attach bracket. This action will prevent possible looseness and/or separation of the vertical or vertical and horizontal tail assemblies from the airplane which would have an adverse effect on aircraft controllability and safety of flight.

DATE: This amendment becomes effective April 13, 1978.

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

ADDRESSES: Cessna Service Letter Number SE78-1, dated January 30, 1978, applicable to this AD, may be obtained from Cessna Aircraft Co., Marketing Division, Attention: Customer Service Department, Wichita, Kans. 67201, telephone 316-685-9111. A copy of the Service Letter cited above is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Mo. 64106 and at Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

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: Discovery of a loose bolt in the vertical tail attach area during a preflight inspection on a Cessna Model 152 airplane resulted in a determination that the loose bolt was caused by a cracked NAS1068A4 nutplate. Four of these nutplates are incorporated in attachment of the vertical tail to the horizontal tail and four more are used in attachment of the horizontal and vertical tail assembly to the fuselage. Inspection of nine additional airplanes showed five Model 152's and one Model 150 had a cracked NAS1068A4 nutplate in the vertical tail attach area. Review of malfunction or defect reports received by the FAA revealed four more cracked NAS1068A4 nutplates in the vertical tail attach area on Cessna 150 series airplanes. Inspection of cracked NAS1068A4 nutplates returned to Cessna showed that they were not properly heat treated. This condition can cause the nutplates to crack and thereby, fail to retain the bolt or screw inserted therein. This will result in the remaining fasteners picking up larger loads than they have been demonstrated to be capable of carrying which could lead to separation of the vertical or vertical and horizontal tail assemblies from the airplane. Failures of this type would have an adverse effect on aircraft controllability and safety of flight.

By reviewing its records, Cessna was able to determine when the discrepant nutplates were received at the factory. This made it possible to determine the serial numbers of airplanes that may have discrepant NAS1068A4 nutplates installed.

Subsequent to its investigation, the manufacturer issued Cessna Service Letter Number SE78-1, dated January 30, 1978. The Service Letter recommends a one-time visual inspection for cracks in eight NAS1068A4 nutplates installed on the P/N 0432004-9 vertical fin aft attach bracket on affected Model 150 and 152 series airplanes within 100 hours time-in-service.

Accordingly, since an unsafe condition is likely to exist or develop in other airplanes of the same type design, an AD is being issued applicable to certain serial numbers of Cessna 150 and 152 series airplanes, making compliance with the Cessna Service Letter mandatory, except that the AD compliance time differs from that recommended in the Service Letter. To date, all reported failures have been on airplanes with 260 to 960 hours time-in-service. Many of the airplanes affected by the AD are known to have more than 1,000 hours time-in-service. Therefore, the inspection will be required within 50 hours time-in-service after the effective date of the AD. In addition, the AD requires reporting of all cracked nutplates discovered during the inspection required by this AD. This AD has been coordinated with the aircraft manufacturer prior to 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. 553(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, Sec. 39.13 of the Federal Aviation Regulations (14 CFR Sec. 39.13) is amended by adding the following new AD:

CESSNA. Applies to the following models and serial number airplanes certificated in all categories:

Model and Serial Numbers

150L—15075580 through 15075781
150M—15075782 through 15079405
F150L—F15001124 through F15001143
F150M—F15001144 through F15001428
A150L—A1500481 through A1500523
A150M—A1500524 through A1500734
FRA150L—FRA1500254 through FRA1500261
FRA150M—FRA1500262 through FRA1500336
152—15279406 through 15281363
A152—A1520735 through A1520785

COMPLIANCE: Required as indicated unless already accomplished.

To detect cracked NAS1068A4 nutplates which, if allowed to go uncorrected, could result in separation of the vertical or vertical and horizontal tail assembly from the airplane, within 50 hours time-in-service after the effective date of this AD accomplish the following:

(A) In accordance with procedures in Cessna Single Engine Service Letter No. SE78-1, dated January 30, 1978, or later revisions:

1. Using a suitable light and mirror visually inspect the eight NAS1068A4 nutplates installed on the Part Number 0432004-9 vertical fin aft attach bracket for cracks in the threaded part (nut body) of the nutplate. Prior to approving the airplane for return to service, replace any cracked nutplate with either (1) a new NAS1068A4 nutplate obtained from a Cessna dealer or (2) a new AN365-428, M520365-428 or MS21044N4 nut and an AN960-416 washer.

NOTE.—Cracking of NAS1068A4 nutplates is caused by improper processes being incorporated during manufacture. Cessna has purged its system of all nutplates that may have been improperly processed and all NAS1068A4 nutplates obtained from Cessna will be of proper quality.

(B) Within one week after any cracked or otherwise discrepant NAS1068A4 nutplate is found, during the inspection required by this AD, submit a written report to the FAA via an FAA M or D Report (FAA Form 8330-2) or a letter to FAA, Chief, Engineering and Manufacturing Branch (ACE-210), 601 East 12th Street, Kansas City, Mo. 64106. This report must include the registration and serial number for the airplane, the location of the discrepant NAS1068A4 nutplate in the 0432004-9 vertical fin attach bracket, and the hours total time-in-service for the aircraft. (Reporting approved by Office of Management and Budget under OMB No. 04-R0174.)

(C) 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 April 13, 1978.

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

NOTE.—The 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 March 29, 1978.

JOHN E. SHAW,
Acting Director, Central Region.

[FR Doc. 78-9399 Filed 4-7-78; 8:45 am]

[4910-13]

[Docket No. 78-NW-1-AD; Amdt. 39-3177]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment requires a one-time inspection of vent panels in the forward, aft, and bulk cargo compartment for any adhesive material between the vent panel and supporting structure to assure effectiveness of the vent panels installed to comply with AD 75-15-05. Any adhesive material must be removed from the panel and structure. The vent panel seals would be inspected and repaired as required.

EFFECTIVE DATE: May 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Iven Connally, ANW-212, Airframe Section, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone 206-767-2516.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to require a one-time inspection of vent panels in the forward, aft, and bulk cargo compartment for any adhesive material between the vent panel and supporting structure was published in 43 FR 3130.

Interested persons have been afforded an opportunity to participate in the making of the Amendment. The manufacturer requested the applicability of this AD and the rework reflect the data in Boeing Service Bulletin 747-25-2418. The Amendment will refer to rework in accordance with instructions in the service bulletin. Several operators requested an extension of the compliance date. The compliance date for completion of that portion AD-75-15-05 which assures the airplane can sustain a 20 square foot hole and continue safe flight is June 30, 1978. Since the vent panel installation is associated with the basic modification, this amendment cannot be extended beyond June 30, 1978.

DRAFTING INFORMATION

The principal authors of this document are Iven Connally, Engineering and Manufacturing Branch, Northwest Region, and Jonathan Howe, Regional Counsel, Northwest Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulation (14 CFR 39.13) is amended as follows:

BOEING. Applies to Model 747 series airplanes listed in Boeing Service Bulletin 747-25-2306 certificated in all categories. Compliance required as indicated. To assure proper operation of the depressurization vent modification required by AD 75-15-05, on or before June 30, 1978, unless already accomplished, inspect and rework the cargo compartment lining in accordance with Boeing Service Bulletin 747-25-2418, dated December 27, 1977, or later FAA approved revision, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

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

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

(Secs. 313(a), and 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85.)

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 Seattle, Wash. on March 29, 1978.

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

(The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.)

[FR Doc. 78-9396 Filed 4-7-78; 8:45 am]

[4910-13]

[Docket No. 78-SO-04; Amdt. 39-3173]

PART 39—AIRWORTHINESS DIRECTIVES

Goodyear BTC-39 Flexible Fuel Cells (TSO-c80)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (A. D.) applicable to Goodyear Aerospace Corporation flexible fuel cells, construction type BTC-39 series, installed on airplanes listed in the A. D. by changing: (1) the applicability statement to clarify which airplanes are affected; (2) the number of the Beech Service Instruction listed in paragraph (a) Note, from Service Instruction No. 0632-280, Rev. 1, to No. 0895; and (3) the compliance time in paragraph (c) to permit compliance at an established inspection period for operators substantiating this change.

EFFECTIVE DATE: April 10, 1978.

ADDRESSES: The applicable Beech Service Instruction may be obtained from Beech Aircraft Co., P.O. Box 85, Wichita, Kans. 67201. A copy of this service instruction is contained in the Rules Docket and may be examined in Room 264, Federal Aviation Administration, Southern Region, 3400 Whipple Street, East Point, Ga. 30344.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3151, 43 FR 9591, A. D. 78-05-06, which currently requires certain checks, tests and inspections as specified therein for Goodyear flexible fuel cells, construction type BTC-39 series, installed on certain aircraft models. After issuing Amendment 39-3151, the FAA has determined that the applicability of the A. D. requires clarification.

The A. D. is intended to apply only to those aircraft of the models listed in the A. D. that were manufactured only during the period when the Goodyear BTC-39 fuel cells were installed at the aircraft factory, and in those airplanes in which those fuel cells may have been installed as replacements on airplanes in service. The A. D. has been amended accordingly.

In addition, after the A. D. was issued, the FAA has determined that the Beech Service Instruction No. 0632-280, Rev. 1, listed in (a) Note is incorrect. Therefore, the FAA is amending Amendment 39-3151 by changing Beech Service Instruction No. 0632-280, Rev. 1, to No. 0895.

Furthermore, it has been established that there is a large number of operators of fleets of certain of these models who hold operating certificates under which regular or progressive inspection periods are utilized. This amendment will permit an FAA maintenance inspector to adjust the repetitive inspection intervals specified in the A. D. to permit compliance at an established inspection period when justified by that operator.

Correction of the FAR reference in the final sentence of the opening paragraph of (b) has been determined to be necessary. Therefore, the reference to FAR 43.9 has been changed to FAR 91.173(a)(2)(v).

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are W. S. Thomas, Flight Standards Division, and Keith May, 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 amending Amendment 39-3151, 43 FR 9591, A. D. 78-05-06, as follows:

(1) Amend the lead-in of the applicability statement to read:

GOODYEAR AEROSPACE CORP. Amendment 39-3173. Applies to Goodyear flexible fuel cells, construction type BTC-39 series manufactured between 1961 and 1971, installed on, but not necessarily limited to the following aircraft models, all series, manufactured between January 1961 and December 1973, or in which these fuel cells may have been installed as replacements after those dates.

(2) Amend paragraph (a) Note by changing the number of the Beech Service Instruction from Service Instruction Number 0632-280, Rev. 1, to Number 0895.

(3) Amend paragraph (b) by changing the FAR reference in the final sentence of the opening paragraph from FAR 43.9 to FAR 91.173(a)(2)(v).

(4) Add a new final paragraph, (f), to the existing A. D. to read:

(f) Upon request of the operator, an FAA maintenance inspector may adjust the inspection interval specified in (c) and the repetitive inspection interval specified in (d) of this A. D. to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator. The time for conducting the checks required by (a) and (b) may not be adjusted.

This amendment becomes effective April 10, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Section 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 East Point, Ga., March 29, 1978.

GEORGE R. LA CAILLE,
Acting Director,
Southern Region.

[FR Doc. 78-9394 Filed 4-7-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-NE-23]

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

Alteration of Bridgeport, Connecticut, 700-foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the description of the Bridgeport, Conn., 700-foot Transition Area to provide additional airspace for helicopters executing a new non-published approach procedure to be designated as a Point-in-Space, Copter RNAV 286° approach procedure.

EFFECTIVE DATE: May 18, 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, Mass. 01803, telephone 617-836-1285.

SUPPLEMENTARY INFORMATION: On December 22, 1977, the Federal

Aviation Administration published a notice of proposed rulemaking which proposed to enlarge the Bridgeport, Conn., 700-foot Transition Area. This action would provide controlled airspace for helicopters executing a new RNAV Point-in-Space instrumental approach procedure.

Interested persons were invited to participated in this rulemaking process by submitting written comments on the proposal to the FAA. No objections were received.

The final rule differs from the proposed in three minor respects. The proposed amendment was inadvertently prefaced with the words, "* * * to read as follows:". The preface should have been, "* * * to add the following:". In addition, the words, "That airspace extending upward from 700 feet above the surface," should be deleted as this is already a part of the description of the transition area, and the description of the airspace being added to the transition area should begin with the word "and." The final rule as published herein, contains these corrections.

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 the description of the Bridgeport, Conn., 700-foot Transition Area in subpart G of part 71.181 of the Federal Aviation Regulations (14 CFR 71.181) is amended, effective 0901, May 18, 1978, by adding the following:

and within 5 miles north and 5 miles south of a 274° bearing and a 094° bearing from a point Latitude 41°02'00" N., Longitude 73°18'45" W., extending 6 miles west and 3 miles east of said point.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)) and of 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 Burlington, Mass., on March 31, 1978.

ROBERT E. WHITTINGTON,
Director, New England Region.

[FR Doc. 78-9395 Filed 4-7-78; 8:45 am]

[4810-22]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 78-109]

PART 6—AIR COMMERCE REGULATIONS

Landing Requirements for Commercial Aircraft

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Customs Regulations presently require any commercial aircraft arriving in the United States from any place to furnish a bond, or cash deposit in place of the bond, before unlading passengers, merchandise, or baggage, or lading merchandise or baggage. This document amends the regulations by authorizing the district director of Customs to waive this requirement when he is convinced the revenue would be protected and all Customs requirements would be satisfied. The purpose of this amendment is to relieve an unnecessary burden now imposed by these bonding requirements on certain segments of the importing community.

EFFECTIVE DATE: May 10, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 6.2(e) of the Customs Regulations (19 CFR 6.2(e)) requires any commercial aircraft (carrying passengers or merchandise for compensation or hire) arriving in the United States from any other place to obtain a permit on Customs Form 3171 and to furnish a bond on Customs Form 7567 or 7569, or a cash deposit in place of the bond, before unlading passengers, merchandise, or baggage, or lading merchandise or baggage during official hours. Similarly, § 6.2(f) of the Customs Regulations (19 CFR 6.2(f)) requires any commercial aircraft arriving in the United States from any other place to furnish a special license on Customs Form 3171 and a bond on Customs Form 7567 or 7569, or cash deposit in place of the bond, before unlading passengers, merchandise, or baggage, or lading merchandise or baggage at night, or on a Sunday or holiday when Customs supervision is required. The purpose of these requirements is to ensure that the revenue of the United States is protected and that all Customs requirements are satisfied.

At times, however, these bonding requirements have imposed a burden on certain segments of the importing community. For example, a private flyer, though not normally engaged in commerce, may incidentally transport a passenger or merchandise to or from a foreign airport and receive minimal payment or compensation. Under the present regulations, he would be required to furnish a bond, which may be a time-consuming procedure, or carry cash to deposit with Customs in place of the bond, since the aircraft would be considered commercial. In some instances, these requirements may also have imposed a burden on a small businessman who may be unable to obtain a bond and does not have the cash deposit readily available.

Upon review, Customs has determined that it may not be necessary in every case to require a commercial aircraft to furnish a bond or cash deposit in place of the bond. Accordingly, this amendment authorizes the district director of Customs to waive the requirement of furnishing a bond on Customs Form 7567 or 7569, or cash deposit, as provided by §§ 6.2 (e) and (f), when he is convinced that the revenue is protected and all Customs requirements are satisfied.

A permit or special license on Customs Form 3171 will continue to be required in every case. This requirement will not be subject to the discretion of district directors.

There is no specific authority requiring permits (and special licenses) and bonds for commercial aircraft before lading or unlading of passengers or merchandise is permitted. However, section 1509(c) of title 49, United States Code, authorizes the Secretary of the Treasury to provide by regulation for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to the extent and upon the conditions he deems necessary. Section 6.2, Customs Regulations, applies the mandatory requirements relating to permits (and special licenses) and bonds of sections 1448, 1450, and 1451 of title 19, United States Code, to civil aircraft. However, pursuant to section 1509(c) of title 49,

United States Code, the bonding requirements of § 6.2 (e) and (f) applicable to commercial aircraft are discretionary.

Because this amendment pertains solely to agency procedure and practice and liberalizes existing requirements, it is exempt from the notice requirements of 5 U.S.C. 553.

DRAFTING INFORMATION

The principal author of this document was Charles D. Ressin, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in developing the document, both on matters of substance and style.

AMENDMENT TO THE REGULATIONS

Section 6.2 of the Customs Regulations (19 CFR 6.2) is amended in the following manner:

The fourth sentence of § 6.2(a) is amended and § 6.2(g) is redesignated as § 6.2(h) and a new § 6.2(g) is inserted to read as follows:

§ 6.2 Landing requirements.

(a) *Place of landing.* * * * For procedure to be followed in the case of emergency or forced landing, see paragraph (h) of this section. * * *

* * * * *

(g) *Waiver of bond requirement.* The furnishing of a bond on Customs Form 7567 or 7569, or a cash deposit in lieu of the bond, required by paragraphs (e) and (f) of this section, may be waived by the district director to ensure the prompt and orderly clearance of the aircraft, passengers, or merchandise, including baggage, if he is convinced that the revenue is protected and that all Customs requirements are satisfied.

* * * * *

(R.S. 251, as amended, sec. 448, 450, 451, 623, 624, and 644, 46 Stat. 714, 759, 761, as amended, sec. 1109, 72 Stat. 799, as amended (5 U.S.C. 301, 19 U.S.C. 66, 1448, 1450, 1451, 1623, 1624, 1644, 49 U.S.C. 1509).)

R. E. CHASEN,
Commissioner of Customs.

Approved: March 28, 1978.

BETTE B. ANDERSON,
Under Secretary
of the Treasury.

[FR Doc. 78-9476 Filed 4-7-78; 8:45 am]

[4830-01]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—MISCELLANEOUS PROVISIONS

[T.D. 7539]

PART 404—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE TAX REFORM ACT OF 1976

Disclosure of Return Information to Officers and Employees of the Department of Commerce for Certain Statistical Purposes and Related Activities

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains amendments to the temporary regulations relating to the disclosure by the Internal Revenue Service of certain return information to officers and employees of the Department of Commerce for certain statistical purposes and related activities. These amendments are intended to clarify the existing regulations. They affect all disclosures by the Internal Revenue Service to the Bureau of the Census.

DATE: The regulations apply to disclosures of return information after December 31, 1976.

FOR FURTHER INFORMATION CONTACT:

Diane L. Renfroe of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, (Attention: CC:LR:T) 202-566-6456.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains amendments to the temporary regulations relating to disclosure of return information to the Bureau of the Census under section 6103(j)(1) of the Internal Revenue Code of 1954 as added by section 1202 of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1688).

DISCLOSURE OF TAX PERIOD OR ACCOUNTING PERIOD INFORMATION

These temporary regulations would amend the existing temporary regulations under section 6103(j)(1) to make it clear that the Service can disclose to the Bureau of the Census tax period or accounting period information relating to the return information which the Service already discloses to that Bureau under the authority of § 404.6103(j)(1)-1 (b) and (c). Without this additional information the Bureau of the Census can not effectively utilize the return information it receives from the Internal Revenue Service.

DISCLOSURE OF RETURN INFORMATION CONTAINED IN THE EXEMPT ORGANIZATION MASTER FILES

This temporary regulation also amends § 404.6103(j)(1)-1(b)(4) to allow disclosure of return information contained in the exempt organization master file for purposes of preparing and conducting agricultural censuses. This amendment is necessary to permit the Bureau of the Census to effectively conduct such censuses.

DRAFTING INFORMATION

The principal author of this regulation was Diane L. Renfroe of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

In order to amend the temporary regulations on Procedure and Administration (26 CFR part 404) to allow for certain additional disclosures to the Bureau of the Census, such regulations are amended to read as follows:

Section 404.6103(j)(1)-1 is amended as follows:

1. Paragraph (a) is amended by adding at the end thereof a new sentence.

2. The first sentence of subparagraph (b)(4) is amended and revised.

The amended and revised provisions are to read as follows:

§ 404.6103(j)(1)-1 Disclosure of return information to officers and employees of the Department of Commerce for certain statistical purposes and related activities.

(a) *General rule.* * * * Further, in the case of any disclosure of return information so provided by paragraphs (b) and (c), the tax period or accounting period to which such return information relates will also be disclosed.

(b) *Disclosure of return information to officers and employees of the Bureau of the Census.* * * *

* * * * *

(4) Officers and employees of the Internal Revenue Service will disclose return information relating to a taxpayer contained in the exempt organi-

zation master-files of the Service to officers and employees of the Bureau of the Census for purposes of conducting and preparing, as authorized by law, economic and agricultural censuses.

* * *

* * * * * *

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved: April 3, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

[FR Doc. 78-9372 Filed 4-5-78; 9:04 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-226]

PART 181—MANUFACTURER REQUIREMENTS

United States-Canadian agreement on assignment of Hull Identification Numbers

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment advises manufacturers of boats of procedures adopted by the United States Coast Guard and the Canadian Coast Guard for coordinating the assignment of Hull Identification Numbers (HIN). Both the United States and Canada require Hull Identification Numbers on boats. These HINs are used in the enforcement of boating laws. Since many boats are imported or exported to or from Canada, a compatible system of assigning HINs would avoid confusion and duplication of effort and greatly facilitate enforcement of boating laws by both Canadian and United States Agencies.

EFFECTIVE DATE: This amendment is effective on the date of issuance.

FOR FURTHER INFORMATION CONTACT:

Captain 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 September 12, 1977, the Commandant of the United States sent the following letter to the Commissioner of the Canadian Coast Guard:

MR. WILLIAM A. O'NEIL,
Commissioner, Canadian Coast Guard, Ministry of Transport, Ottawa, Ontario.

DEAR MR. O'NEIL: During the past several months the Canadian Coast Guard and the United States Coast Guard have exchanged views on the adoption of compatible standards within each agency for the issuance of Hull Identification Numbers for recreational motorboats. Hull Identification Numbers are required to be placed on boats in the United States under provisions of the Federal Boat Safety Act of 1971, 85 Stat. 213, as amended, and in Canada under Section 400 of the Canada Shipping Act. The purpose underlying adoption of compatible standards is the facilitation of enforcement of recreational boating laws and regulations by both agencies.

The United States Coast Guard, to effect the purpose of establishing compatible standards for issuance of Hull Identification Numbers by both agencies, adopts the standards described in the attached memorandum, with the understanding the Canadian Coast Guard intends to promulgate compatible standards. It would be most appreciated if we could have a copy of your standards when they are published.

Sincerely,

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

Enclosure: Memorandum concerning Hull Identification Codes.

The enclosed memorandum describing the procedure adopted for assigning HINs reads as follows:

MEMORANDUM CONCERNING ISSUANCE OF MANUFACTURER IDENTIFICATION CODES TO UNITED STATES AND CANADIAN MANUFACTURERS OF RECREATION BOATS

1. Manufacturer Hull Identification Codes beginning with the letter "Z" will be reserved for assignment to Canadian manufacturers exclusively. If needed, additional characters may be selected for assignment to Canadian Manufacturers. Any additional characters will be assigned only after agreement by the Ministry of Transport, Canada.

2. A complete list of those manufacturer identification codes assigned by the United States Coast Guard will be provided to the Ministry of Transport, Canada. This list will include the full name and address of each manufacturer and its assigned manufacturer identification code. Updated lists will be prepared and provided at six month intervals or upon request by the Ministry of Transport, Canada.

3. A Candian manufacturer requesting a manufacturer identification code from the United States Coast Guard shall be identified by the manufacturer identification code that was assigned by the Ministry of Transport, Canada as it appears on a list provided by the Ministry of Transport, Canada. If the Canadian manufacturer making application does not appear on the list he shall be advised to apply to the Ministry of Transport, Canada for assignment of a manufacturer identification code. Upon notification of the manufacturer identification code assigned by the Ministry of Transport, Canada, the United States Coast Guard will utilize the same code for the Canadian manufacturer.

4. When the Ministry of Transport, Canada, pursuant to procedures similar to those in paragraph 3 above, advises a United States manufacturer to apply to the United States Coast Guard for a manufacturer identification code, the Ministry of Transport, Canada, will be promptly advised of the manufacturer identification code assigned.

5. Regulations issued by the United States Coast Guard for the implementation of a Hull Identification Number System within the United States are found in Subpart C of Part 181, Title 33, Code of Federal Regulations. If the United States Coast Guard modifies or amends these regulations, the Ministry of Transport, Canada shall be provided with advance notification and a copy of the proposed or amended regulations.

On October 17, 1977, the following letter was received from the Commissioner of the Canadian Coast Guard.

Admiral O. W. SILER,
Commandant, United States Coast Guard (G-BA-1), Department of Transportation, Washington, D.C.

DEAR ADMIRAL SILER: Thank you for your letter dated September 12, 1977 which outlines procedures and standards for the issuance of Hull Identification numbers for pleasure craft.

The Canadian Coast Guard has been following the systems as described in your memorandum and uses the same format for the identification for hulls as required by your standards. These procedures have been in effect for the past three years and are most satisfactory to us. We appreciate the excellent co-operation of the United States Coast Guard that we have always enjoyed.

Please find enclosed a copy of the relevant section of our standards as requested.

Yours sincerely,

W. A. O'NEIL.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: LCDR A. J. Pettit, Project Manager, Office of Boating Safety and LT R. R. Meeks, Project Attorney, Office of Boating Safety.

The procedures outlined in the letters and memorandum reprinted above are currently in use by the United States Coast Guard and Canadian Coast Guard. 33 CFR 181.31 "Manufacturer identification", is being amended to reflect this fact by adding a new subsection informing Canadian manufacturers that application for a Hull Identification Number should be made to the Canadian Coast Guard.

Since this amendment relates solely to rules of agency, procedure or practice, notice and public comment are not required by the Administrative Procedure Act (5 U.S.C. 553(b)(3)(A)).

In consideration of the foregoing 33 CFR 181.31 "Manufacturer identification assigned", is amended by adding a new subsection (b) to read as follows:

§ 181.31 Manufacturer identification assigned.

(a) * * *

(b) Canadian manufacturers may request a manufacturer identification from the Commissioner, Canadian Coast Guard, Ministry of Transport, Ottawa, Ontario, Canada KIA ON7.

(46 U.S.C. 1454, 1456, 1488, 49 CFR 1.46(n)(1).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-102.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

APRIL 5, 1978.

[FR Doc. 78-9468 Filed 4-7-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 879-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Maine Plan; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction notice.

SUMMARY: On June 14, 1977 (42 FR 30369) and on September 13, 1977 (42 FR 45935), EPA published FEDERAL REGISTER notices disapproving proposed Implementation Plan revisions which were submitted by the State of Maine. However, neither notice contained the necessary amendments to the Code of Federal Regulations (CFR). Accordingly, this correction notice amends 40 CFR Part 52 by adding four new paragraphs.

FOR FURTHER INFORMATION CONTACT:

Deborah Ikehara, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room 2113, Boston, Mass. 02203, 617-223-5609.

Dated: March 30, 1978.

WILLIAM R. ADAMS, Jr.,
Regional Administrator, Region I.

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

Subpart U—Maine

1. Two new paragraphs are added in § 52.1020(c) to read as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(6) Revision to incinerator particulate emission standard, submitted on August 26, 1976 by the Commissioner of the Maine Department of Environmental Protection, which would exempt woodwaste cone burners from the plan until 1980.

(7) Revision to incinerator particulate emission standard, submitted on November 18, 1976 by the Commissioner of the Maine Department of Environmental Protection, which would exempt municipal waste cone burners from the plan.

2. Two new paragraphs are added in § 52.1025 to read as follows:

§ 52.1025 Control strategy: Particulate matter.

* * * * *

(b) The revision to the incinerator particulate emission standard submitted on August 26, 1976 is disapproved because of provisions therein which would interfere with the attainment and maintenance of national ambient air quality standards.

(c) The revision to the incinerator particulate emission standard submitted on November 18, 1976 is disapproved because of provisions therein which would interfere with the attainment and maintenance of national ambient air quality standards.

[FR Doc. 78-9484 Filed 4-7-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21484; RM-2974]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Forks, Wash., Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a first Class A FM channel to Forks, Washington. The channel could be used to bring a first FM broadcast service to Forks.

EFFECTIVE DATE: May 16, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: March 31, 1978.

Released: April 4, 1978.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Forks, Wash.), Docket No. 21484, RM-2974.

1. The Commission has before it the Notice of Proposed Rule Making, adopted November 21, 1977, 42 FR 61877, proposing the assignment of Channel 280A to Forks, Wash., as that community's first FM assignment. The Notice was issued in response to the request of Ben E. and Marjorie C. Howard ("petitioners"). Petitioners filed supporting comments reaffirming their intention to promptly file an application to construct an FM station if the channel is assigned. A letter opposing the proposal was filed by Aero Jet Helicopters, Inc. Since the matters contained in the opposing letter pertain to character qualifications and other matters normally considered in connection with an application for a construction permit, the merits of this complaint will not be considered in this proceeding. Rather, we will focus on the community's need for the assignment. Appropriate consideration can be given to the other issues in connection with any application filed for use of the channel.

2. Forks (pop. 1,328) in Clallam County (pop. 34,770), is situated in the Upper Olympic Peninsula in Clallam County, approximately 145 kilometers (90 miles) northwest of Seattle, Wash. Forks presently receives local broadcast service from full-time AM Station KVAC, licensed to petitioners.

3. Petitioners state that, because of the proximity of the Olympic National Park to Forks, the population swells during the summer months to approximately 15,000. As a result of this activity, petitioners assert there are generally a substantial number of nonresident campers and visitors in the area year-round. They contend that the FM station would be the source of information to people in the outlying rural areas, especially at night when the broadcast coverage range of their AM station is severely limited.

4. Upon careful consideration of the proposal herein, the Commission believes it would be in the public interest to assign Channel 280A to Forks, Washington. A demand has been shown for its use and it would provide the community with a first FM channel assignment as well as a second local aural broadcast service.

5. The Canadian Government has given its concurrence to assignment of Channel 280A to Forks, Wash.

6. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules: *It is ordered*, That effective May 16, 1978, the FM Table of Assignments (§ 73.202(b) of the rules) is amended with respect to the community listed below:

City and Channel No.

Forks, Wash.; 280A.

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

(Secs. 4, 5, 303, 307, 48 Stat., as amended 1066, 1068, 1082, 1083; (47 U.S.C. 154, 155, 303, 307).)

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

[FR Doc. 78-9435 Filed 4-7-78; 8:45 am]

[6712-01]

[Docket No. 21510; RM-2989]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Baxter Springs, Kans.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a first Class A FM channel to Baxter Springs, Kans. The channel could be used to bring a first full-time local aural broadcast service to the community.

EFFECTIVE DATE: May 16, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 31, 1978.

Released: April 4, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Baxter Springs, Kans.).

1. The Commission herein considers the Notice of proposed rulemaking, adopted December 23, 1977, 43 FR 1512, in the above-entitled proceeding, instituted in response to a petition filed by Jack R. Maxton ("petitioner"), proposing the assignment of Channel 296A to Baxter Springs, Kans., as a first FM assignment to that community. Supporting comments were filed by petitioner. No oppositions to the proposal were received.

2. Baxter Springs (pop. 4,489),[1] situated in Cherokee County (pop. 21,549), is located approximately 21 kilometers (13 miles) west of Joplin, Mo. There is no local aural broadcast service in Baxter Springs. Channel 296A could be assigned to that community in conformity with the minimum distance separation requirements, provided the transmitter site is located 11 kilometers (7 miles) north of the community. Petitioner states that if Channel 296A is assigned, he will apply for its use.

3. Petitioner states that Baxter Springs' population has increased 7 percent between 1970 and 1973, and the community is fast becoming the trade center for the area. He asserts that there is a steady and sure growth evidenced by the expansion of the present and the development of new businesses. Information submitted by petitioner indicates a level of manufacturing and other business activities in the county which appears to provide adequate basis for the proposed station.

4. We believe that the public interest would be served by the assignment of Channel 296A to Baxter Springs, Kans. An interest has been shown for its use, and such an assignment would provide the community and Cherokee County with an opportunity to acquire an FM station capable of rendering a first full-time local aural broadcast service.

5. Authority for the adoption of the amendment contained herein appears in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's rules.

6. Accordingly, *it is ordered*, That effective May 16, 1978, section 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended as it pertains to the community listed below:

City and Channel No.

Baxter Springs, Kans., 296A.

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

[1]Population figures are taken from the 1970 U.S. Census.

(Secs. 4, 5, 303, 307, 48 Stat., as amended 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307.)

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

[FR Doc. 78-9438 Filed 4-7-78; 8:45 am]

[6712-01]

[Docket No. 20901; RM-2625]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Brewer, Maine; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a Class A FM channel to Brewer, Maine, as that community's first local FM assignment. The proposed channel would being a first full-time local aural broadcast service to Brewer.

EFFECTIVE DATE: May 16, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 31, 1978.

Released: April 5, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Brewer, Maine).

1. The Commission has before it the memorandum opinion and order and further notice of proposed rulemaking, 42 FR 60578, in which it denied a petition for reconsideration filed by Bangor Broadcasting Co. ("BBC"), requesting reconsideration of the Commission's earlier refusal to assign a Class B FM channel to Brewer, Maine. It also proposed the assignment of Channel 265A to Brewer to provide that community with its first local aural broadcast service.

2. The report and order in this proceeding, 42 FR 27971, denied the assignment of Channel 284 to Brewer (pop. 9,300) since petitioner failed to show the need for a Class B channel to a community of this size. Another factor for denial was Brewer's proximity to Bangor, Maine (pop. 33,168) which gave rise to the concern that a Class B station at Brewer might be designed to serve Bangor rather than Brewer. In addition to these points, the petition for reconsideration was denied on the basis of petitioner's failure to substantiate its claim that service would be provided to unserved and underserved areas. As an alterna-

tive, BBC urged that a Class A channel[1] should be assigned to Brewer to satisfy its broadcast needs. This we agreed to do, and the assignment of Channel 265A to Brewer was proposed in the further notice.

3. Relevant demographic data pertaining to Brewer were set out in the previous notice and need not be repeated here. BBC indicates that some 87,950 persons in an area approximately 541 square kilometers (210 square miles) would receive additional aural broadcast service. Although some preclusion would occur, it would only be on Channel 265A, affecting eight communities with populations greater than 2,500. However, BBC shows that other FM channels are available for assignment to these communities.

4. We believe the assignment of Channel 265A to Brewer, Maine, would be in the public interest. A demand has been shown for its use, and it would provide the community with an opportunity to acquire its first local aural broadcast station.

5. The Canadian Government has given its concurrence to the proposed assignment of Channel 265A to Brewer, Maine.

6. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's rules, *It is ordered*, That effective May 16, 1978, the FM Table of Assignments (section 73.202(b) of the rules) is amended with respect to the community listed below:

City and Channel No.

Brewer, Maine, 265A.

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

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

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

[FR Doc. 78-9439 Filed 4-7-78; 8:45 am]

[6712-01]

[Docket No. 21512; RM-2990]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Remsen, N.Y.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a first Class A FM channel to Remsen, N.Y. The channel assignment could be used to furnish a first full-time local aural broadcast service to that community.

EFFECTIVE DATE: May 17, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 3, 1978.

Released: April 5, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Remsen, N.Y.).

1. The Commission has under consideration its notice of proposed rulemaking, adopted December 28, 1977, 43 FR 1514, inviting comments on a proposal to assign Channel 228A to Remsen, N.Y., as a first FM assignment to that community. Supporting comments were filed by petitioner, Renman Broadcasting, Inc. No oppositions were received.

2. Remsen (pop. 1,366), in Oneida County (pop. 273,037),[1] is located approximately 32 kilometers (20 miles) north-northeast of Utica, N.Y. Remsen is served by daytime-only AM Station WADR, licensed to petitioner.

3. In support of its proposal, petitioner submitted information with respect to Remsen which is persuasive as to its need for a first FM channel assignment.

4. The Commission believes it would be in the public interest to assign FM Channel 228A to Remsen, N.Y. An interest has been shown for its use, and the assignment would provide for an FM station which could render a needed first local aural broadcast service to the community. The assignment can be made in conformity with the minimum distance separation requirements.

5. The Canadian Government has given its concurrence to the proposed assignment of Channel 223A to Remsen, N.Y.

6. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's rules, *It is ordered*, That effective May 17, 1978, the FM Table of Assignments (section 73.202(b) of the Rules) is amended with respect to the community listed below:

City and Channel No.

Remsen, N.Y., 228A.

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

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

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

[FR Doc. 78-9440 Filed 4-7-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1318]

PART 1033—CAR SERVICE

Regulations for Return of Hopper Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1318).

SUMMARY: Because of the resumption of coal mining activities after a prolonged strike of coal miners there are abnormally large demands for hopper cars for transporting coal resulting in severe shortages of these cars. Service Order 1318 requires the return to owners of hopper cars owned by eleven major coal carrying railroads, the Baltimore & Ohio, Bessemer and Lake Erie, Chesapeake & Ohio, Consolidated Rail, Illinois Central Gulf, Louisville & Nashville, Norfolk & Western, Pittsburgh & Lake Erie, St. Louis-San Francisco, Southern Railway, and Western Maryland.

DATES: Effective 11:59 p.m., April 7, 1978. Expires 11:59 p.m., June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone 202-275-7840, 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 4th day of April 1978.

An acute shortage of hopper cars exists in certain sections of the country; depriving shippers of hopper cars required for loading coal, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel resulting in an emergency. Coal stockpiles of several utility companies have

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[1] A Class A channel was not thought to raise the same concern about a possible effort to serve Bangor as had the Class B proposal.

[1] Population figures are taken from the 1970 U.S. Census.

been depleted. In many instances hopper cars, after being unloaded, are being appropriated and retained in services for which they have not been designated by the car owners. Present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1318 Service Order No. 1318.

(a) *Regulations for return of hopper cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty, either via the reverse of the service route or direct, as agreed to by the owner, all hopper cars owned by the following railroads:

The Baltimore and Ohio Railroad Co., Reporting marks: B&O.
Bessemer and Lake Erie Railroad Co., Reporting marks: B&LE.
The Chesapeake and Ohio Railway Co., Reporting marks: C&O.
Consolidated Rail Corp., Reporting marks: BA-BWC-CNJ-CR-DL&W-EL-ERIE-LV-NH-NYC-PC-P&E-PRR-RDG-TOC.
Illinois Central Gulf Railroad Co., Reporting marks: GM&O-IC-ICG.
Louisville and Nashville Railroad Co., Reporting marks: L&N-NC-MON.
Norfolk and Western Railway Co., Reporting marks: ACY-N&W-NKP-P&WV-VGN-WAB.
St. Louis-San Francisco Railway Co., Reporting marks: SLSF.
Southern Railway System, Reporting marks: CG-INT-NS-SOU.
The Pittsburgh and Lake Erie Railroad Co., Reporting marks: P&LE.
Western Maryland Railway Co., Reporting marks: WM.

(2) Carriers named in subparagraph (1) of this paragraph are prohibited from loading all hopper cars foreign to their lines and must return such cars to the owner, either via the reverse of the service route or direct, as agreed to by the owner.

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner, or by the Director or Assistant Director of the Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the car owner must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to the Director or Assistant Director.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car, described in this order, contrary to the provisions of the order.

(d) The term hopper cars, as used in this order, means freight cars having a mechanical designation listed under the heading "Class 'H'-Hopper Car Type" in the Official Railway Equipment Register, ICC-R.E.R. No. 406 issued by W. J. Trezise, or reissues thereof.

(e) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(f) *Effective date.* This order shall become effective at 11:59 p.m., April 7, 1978.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1978, unless otherwise modified, changed or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

It is further ordered, That a copy of this order and direction 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 notice of this order 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 Robert S. Turkington and William F. Sibbald, Jr.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-9490 Filed 4-7-78; 8:45 am]

[7035-01]

[S.O. No. 1319]

PART 1033—CAR SERVICE

Distribution of Covered Hopper Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1319).

SUMMARY: Because of prolonged cold weather users of phosphate and phosphate-base fertilizers in the eastern two thirds of the country have been delayed in the application of fertilizer by approximately thirty days. With the resumption of normal activities the demands for these products have increased sharply causing excessive demands for covered hoppers by the Florida producers of these products served by the Seaboard Coast Line Railroad, Service Order No. 1319 requires the return empty by other railroads of covered hopper cars owned by the Seaboard Coast Line in order to assist that line in fulfilling the extraordinary demands for these cars that have been placed upon it by the shortened shipping season.

DATES: Effective April 8, 1978. Expires May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone, 202-275-7840, 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 4th day of April 1978.

There is an acute shortage of covered hopper cars for shipments of phosphate and fertilizer originating at stations in Florida on the Seaboard Coast Line Railroad Company (SCL). These shortages are depriving large areas of the country of adequate supplies of fertilizer needed for the production of various agricultural products. Because a substantial portion of this railroad's covered hopper cars are loaded with phosphate and fertilizer destined to points on other lines, it is necessary that these cars be returned promptly to the SCL for transporting additional shipments. It is the opinion of the Commission that an emergency exists requring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1319 Service Order No. 1319.

(a) *Distribution of covered hopper cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty except as otherwise provided in paragraphs (a) (3) and (4) of this section, all covered hoppers described in paragraph (a)(2) of this section owned by the following railroad:

Seaboard Coast Line Railroad Co., Reporting marks: ACL-SAL-SCL.

(2) The term "covered hopper cars" as used in this order means freight cars listed in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 406, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "LO".

(3) *Exception.* Covered hoppers assigned by the owner for loading at stations on other railroads are exempt from this order.

(4) *Exception.* For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships modifications may be authorized by the Chief Transportation Officer of the car owners, or by the Director or Assistant Director of the Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the car owner must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to the Director or Assistant Director.

(b) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded car, described in this order, contrary to the provisions of the order.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) *Effective date.* This order shall become effective at 12:01 a.m., April 8, 1978.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1978, unless otherwise modified, changed or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

It is further ordered, That a copy of this order and direction 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 the 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 Robert S. Turkington and William F. Sibbald, Jr.

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

[FR Doc. 78-9491 Filed 4-7-78; 8:45 am]

[1505-01]

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 10—GENERAL PROVISIONS

Revised List and Definition of Migratory Birds

Correction

In FR Doc. 78-6549 appearing at page 10565 in the issue of Tuesday, March 14, 1978, the format for the list of species under the heading "DUCKS" was printed incorrectly, it should have appeared as follows:

* * * * *

Dowitcher:
Long-billed: *Limnodromus scolopaceus*
Short-billed: *Limnodromus griseus*

[DUCKS]

Black Duck: *Anas rubripes*
Bufflehead: *Bucephala albeola*
Canvasback: *Aythya valisineria*
Eider:
Common *Somateria mollissima*
King *Somateria spectabilis*
Spectacled *Somateria fischeri*
Steller's *Polysticta stelleri*
Gadwall: *Anas strepera*
Garganey: *Anas querquedula*
Goldeneye:
Barrow's *Bucephala islandica*
Common *Bucephala clangula*
Harlequin Duck: *Histrionicus histrionicus*
Hawaiian Duck: *Anas wyvilliana*
Laysan Duck: *Anas laysanensis*
Mallard: *Anas platyrhynchos*
Masked Duck: *Oxyura dominica*
Merganser:
Common *Mergus merganser*
Hooded *Lophodytes cucullatus*
Red-breasted *Mergus serrator*
Mexican Duck: *Anas diazi*
Mottled Duck (incl. Florida): *Anas fulvigula*
Oldsquaw: *Clangula hyemalis*
Pintail:
Bahama *Anas bahamensis*
Northern *Anas acuta*
Pochard:
Baer's *Aythya baeri*
Common *Aythya ferina*
Redhead: *Aythya americana*
Ring-necked Duck: *Aythya collaris*
Ruddy Duck: *Oxyura jamaicensis*
Scaup:
Greater *Aythya marila*
Lesser *Aythya affinis*
Scoter:
Black *Melanitta nigra*
Surf *Melanitta perspicillata*
White-winged *Melanitta deglandi*
Shoveler, Northern: *Anas clypeata*
Smew: *Mergellus albellus*
Teal:
Baikal *Anas formosa*
Blue-winged *Anas discors*
Cinnamon *Anas cyanoptera*
Falcated *Anas falcata*
Green-winged *Anas crecca*
Tufted Duck: *Aythya fuligula*
Whistling (Tree) Duck:
Black-bellied *Dendrocygna autumnalis*
Fulvous *Dendrocygna bicolor*
West Indian *Dendrocygna arborea*
Wigeon:
American *Anas americana*
European *Anas penelope*
Wood Duck: *Aix sponsa*
[End of Ducks]
Dunlin: *Calidris alpina*

* * * * *

2. Also, in the second column on page 59359, the scientific name for "Crossbill, Red" should read "*Loxia curvirostra*".

[3510-22]

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 651—ATLANTIC GROUNDFISH (COD, HADDOCK, AND YELLOWTAIL FLOUNDER)

Interim Emergency Amendment to Regulations and Request for Comments

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Emergency amendment to interim emergency regulations and request for comments.

SUMMARY: This is an emergency amendment to the regulations published March 31, 1978, at 43 FR 13578, which implemented the New England Fishery Management Council's February 1978 fishery management plan for Atlantic groundfish (cod, haddock, and yellowtail flounder). The Council adopted an amendment on March 23, 1978, which changes the fishery for cod in the fishery conservation zone (FCZ) of the Northwest Atlantic Ocean from an open, directed fishery to a limited fishery. The Administrator has approved that amendment and decided to implement it with emergency regulations. From the effective date of this regulation, April 13, 1978, landing restrictions will control the cod fishery as they do the haddock fishery. After midnight, April 12, vessels may land no more cod than the amounts allowed in section 651.7(a) of the regulations. The March 31 regulations were also published as proposed rulemaking, with a comment period ending May 15, 1978. To allow for additional comment on the regulations as amended today, the comment period is extended to May 25, 1978.

DATES: This amendment is effective at 0001 hours, April 13, 1978. Public

comments on the March 31 regulations, as amended today, are invited until May 25, 1978.

ADDRESS: Comments should be addressed to the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, 3300 Whitehaven Parkway NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Mass. 01930. Telephone, 617-281-3600.

SUPPLEMENTAL INFORMATION: The New England Fishery Management Council's February 1978 plan, and the March 31 regulations implementing it, allow an unlimited fishery for cod until 50 percent of the quarterly quota is taken. Based on unexpectedly high landings of cod during the first quarter and on comments received at hearings and Council meetings, the Council decided on March 23 that the cod fishery should be changed immediately to a limited fishery, with landing restrictions in effect from the beginning of each quarter.

The Council believes, and the Assistant Administrator agrees, that past management of the cod fishery by use of a quota system with periodic closures has not been successful. Excessive catches and quota overruns in the past have put unacceptable pressure on the resource. The Council amendment is designed to spread the catch over the entire quarter and to reduce the possibility of having a cod closure. The threat to the resource of excessive fishing under the current management regime necessitates exercise of the Secretary's emergency power under section 305(e)(1) of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., as amended. The March 31 regulations are therefore amended to place landing restrictions on the cod fishery beginning at 0001 hours, April 13, 1978.

The change to a limited fishery for cod necessitates a revision of the regulation governing mesh size, § 651.6. The same mesh sizes are in effect for vessels in the regulated groundfish fishery, but paragraph (c) has been changed to exempt vessels in other fisheries from the mesh size requirements. Such vessels may land haddock, cod, and yellowtail flounder totaling no more than 10 percent by weight of all species on board, provided that the total weight of haddock, cod, and yellowtail flounder does not exceed 3,000 pounds per trip.

The Assistant Administrator for Fisheries has determined:

(a) That this amendment does not constitute a major Federal action requiring the preparation of an environmental impact statement;

(b) That this amendment does not require the preparation of an economic impact analysis under Executive Orders 11821 and 11949; and

(c) That advance notice of proposed rulemaking under the provisions of the Administrative Procedure Act is unnecessary because it is impractical and contrary to the public interest, and because the fishermen licensed for the cod fishery will receive written notice by the time this amendment becomes effective.

Signed at Washington, D.C., this 6th day of April 1978.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

These amendments are to the emergency regulations published in the FEDERAL REGISTER on March 31, 1978, at 43 FR 13578.

§ 651.2 Definitions. [Amended]

1. Delete definitions of "directed fishery" and "incidental catch".

§ 651.3 Catch quotas. [Amended]

2. In paragraph (a)(1): Amend by striking words "There shall be no directed fishery for haddock" and by striking word "incidental".

3. In paragraph (a)(3): Amend by striking words "There shall be no directed fishery for yellowtail flounder."

§ 651.6 Gear restrictions. [Amended]

4. In paragraph (a): Amend by substituting the following:

(a) It shall be unlawful to fish for haddock, cod, or yellowtail flounder with trawl nets having, in any part of the net other than the cod end, meshes of dimensions less than 4½ inches (114 mm), and having, in the cod end of the nets, meshes of dimensions less than 5⅛ inches (130 mm). These mesh sizes relate to netting when measured wet after use.

5. In paragraph (c): Amend by substituting the following:

(c) The mesh size regulations do not apply to vessels landing haddock, cod, and yellowtail flounder totaling, in the aggregate, no more than 10 percent by weight of all species on board: *Provided, however,* That the total weight of haddock, cod, and yellowtail flounder may not exceed 3,000 pounds per trip.

§ 651.7 Landing restrictions. [Amended]

6. In paragraph (a): Amend by striking the introductory paragraph and substituting the following:

It shall be unlawful for any person or any vessel to land haddock or cod in amounts greater than the following:

7. In paragraph (b): Amend by striking words "an incidental-catch species" and substituting the words "haddock or cod".

8. In paragraph (d): Amend by striking (d) introductory text, (d) (1) and (2), and substitute the following:

(d) The Assistant Administrator may adjust the landing restrictions in paragraphs (a) and (c) of this section, upon publication of a notice in the FEDERAL REGISTER, after 40 percent of the quarterly quota of haddock, cod, or yellowtail flounder is taken, or 45 days after the beginning of the quarter, whichever occurs first.

9. In paragraph (e): Add a new paragraph (e) (formerly last paragraph of subsection (d)), as follows:

(e) The Assistant Administrator may adjust the landing restrictions, based on landings statistics and projected harvests, to ensure that the quarterly quotas are not taken before the end of a quarter. If the statistics indicate that one or more vessel classes in paragraph (a) of this section have taken more than their proportionate share of the current or a previous quarterly quota, the Assistant Administrator may adjust the landing restrictions by varying amounts to allow each vessel class to harvest its historic percentage of the catch.

§ 651.8 Closed seasons. [Amended]

10. In paragraph (a): Amend by striking (a), (a) (1), and (2) and substitute the following:

(a) The Assistant Administrator shall announce the closure of the season for haddock, cod, or yellowtail flounder by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of that fishery. The closure is determined in the following manner: When the total quarterly quota of haddock, cod, or yellowtail flounder is taken, the Assistant Administrator may announce that all taking of that species shall cease for that quarter, by publication of a notice in the FEDERAL REGISTER. During the period in which taking is prohibited, the crew of a vessel must sort a catch containing such prohibited species and return them to the sea immediately, with a minimum of injury regardless of their condition. It shall be a rebuttable presumption that any species found on board a vessel following the publication of the notice prohibiting the taking of that species was caught and retained in violation of this part.

11. In paragraph (b): Add a new paragraph (b) (formerly paragraph (4) of subsection (a)), as follows:

(b) It shall be unlawful to land any species for which the taking has been prohibited.

§ 651.10 Licensing provisions. [Amended]

12. In paragraph (b): Amend by striking the word "directed" from line 8, from line 20, and from line 23. Further amend by striking the words "or the removal of a vessel from the directed fishery for cod" from lines 24-26.

[FR Doc. 78-9558 Filed 4-7-78; 8:45 am]

proposed rules

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

[6210-01]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y; Docket No. R-0050]

BANK HOLDING COMPANIES

Permissible Insurance Agency Activities

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: As a result of a series of decisions by the U.S. Court of Appeals for the Fifth Circuit, *Alabama Association of Insurance Agents, Inc.* v. *Board of Governors of the Federal Reserve System*,[1] the Board's regulation relating to permissible insurance agency activities that bank holding companies may engage in, which was adopted in 1971, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956,[2] as amended, has been upheld in part, invalidated in part, and remanded in part. To conform its outstanding regulation with the decision of the U.S. Court of Appeals for the Fifth Circuit, the Board proposes to delete from its regulation those portions that were invalidated by the Court. The Board will consider in the near future instituting separate rulemaking proceedings with respect to those portions of the regulation that were remanded to the Board for further consideration.

DATE: Comments must be received on or before May 1, 1978.

ADDRESSES: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All materials submitted should include the docket number R-0050.

FOR FURTHER INFORMATION CONTACT:

Robert E. Mannion, Associate General Counsel, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3274, or Richard Whiting, Attorney, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3786.

SUPPLEMENTARY INFORMATION: The Fifth Circuit Court of Appeals declared invalid the portion of 12 CFR 225.4(a)(9)(i) that authorized bank holding companies to act as agents for the sale of insurance for themselves and for their nonbank subsidiaries. Accordingly, the Board proposes to rephrase that portion of the regulation to permit bank holding companies to act as agents only for the sale of insurance for their subsidiary banks.

The Court also found that 12 CFR 225.4(a)(9)(ii)(c) as drafted by the Board was too broad in its scope because it imposed no condition upon bank holding companies or their affiliates that the insurance they sold relate in any way to banking. While recognizing that the sale of certain types of "convenience" insurance might be closely related to banking, the Court nevertheless found the Board's regulation invalid. Accordingly, the Board proposes to delete 12 CFR 225.4(a)(9)(ii)(c) from its regulation.

The Court also remanded 12 CFR 225.4(a)(9)(iii)(*a*) to the Board for further findings and reconsideration. The Board will consider whether to repropose this activity in a separate rulemaking proceeding in the future.

To accomplish the above changes, it is proposed that § 225.4(a)(9) (i) and (ii) of the regulation be amended to read as follows:

§ 225.4 Nonbanking activities.

(a) * * *

(9) Acting as insurance agent or broker in offices at which the holding company or its subsidiaries are otherwise engaged in business (or in an office adjacent thereto) with respect to the following types of insurance:

(i) Any insurance for the holding company's banking subsidiaries;

(ii) Any insurance that (*a*) is directly related to an extension of credit by a bank or bank-related firm of the kind described in this regulation, or (*b*) is directly related to the provision of other financial services by a bank or such a bank-related firm.

* * * * *

To aid in the consideration of these matters by the Board, interested persons are invited to submit relevant data, comments, views, or arguments. Any requests for a hearing on this matter 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.

Any views or requests for a hearing should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 1, 1978. All material submitted should include the docket number R-0050. All views expressed in written comments on the proposal and received by that date will be considered by the Board. Such material will be made available for inspection and copying upon request, except as provided in the Board's rules Regarding Availability of Information (12 CFR Part 261).

By order of the Board of Governors, March 30, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-9443 Filed 4-7-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-SW-59]

AIRWORTHINESS DIRECTIVES

Bell Helicopter Textron Models 206A and 206B Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require replacement of the tail rotor drive shaft support bearing hangers on certain Bell Helicopter Textron (BHT) helicopters. This AD will complement and extend the effectivity of Amendment 39-2897, (42 FR 24717), AD 77-10-06, which currently provides, in part, for this bearing hanger replacement on other helicopters of these models. AD 77-10-06 was prompted by actual failures of the tail rotor drive shaft bearings and tail rotor drive shafts resulting in hazardous loss of directional control of the helicopter. The proposed AD is needed to provide for these helicopters the safety and reliability features available from an improved design bearing

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[1] *Alabama Association of Insurance Agents, Inc.* v. *Board of Governors of the Federal Reserve System*, 533 F.2d 224 (5th Cir. 1976); rehearing denied, 558 F.2d 729 (5th Cir. 1977); *cert.* denied 46 USLW 3539 No. 77-668, February 27, 1978)

[2] 12 U.S.C. 1843(c)(8) (the "Act").

hanger. These improvements will minimize the possibility of hazardous loss of directional control due to failure of the tail rotor drive shaft which may be expected as a secondary response to failure of the support bearings.

DATES: Comments must be received on or before May 15, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Southwest Region, Regional Counsel, ASW-7, Attn: Docket No. 77-SW-59, Post Office Box 1689, Fort Worth, Tex. 76101. The applicable service bulletin and the technical bulletins are contained in the Rules Docket (Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591), or at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex. 76106.

FOR FURTHER INFORMATION CONTACT:

Wilbur F. Wells, Propulsion Section, Engineering and Manufacturing Branch, ASW-214, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone number 817-624-4911, extension 524.

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 reports of failure of the tail rotor shaft support bearings and subsequent failure of the tail drive shafts, resulting in loss of directional control of the helicopter. This condition was determined to be likely to exist or develop on other helicopters of the same type design. Therefore, Amendment 39-2897 (42 FR 24717), AD 77-10-06 was issued to require replacement of the tail rotor drive shaft bearings and, for certain helicopters, the bearing hangers with bearings and bearing hangers of an improved design. However, due to a parts shortage, helicopters with serial numbers 414 through 913 were exempted from the requirement for replacement of the improved bearing hangers. Also, helicopter serial number 148 was issued a separate exemption. The FAA has determined that parts are now available. Therefore, the proposed AD would require replacement of the tail rotor drive shaft bearing hangers with improved bearings hangers on BHT Models 206A and 206B helicopters with serial numbers 148 and 414 through 913.

Drafting Information

The principal authors of this document are Wilbur F. Wells, Flight Standards Dvision, and James O. Price, 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 Regulations (14 CFR 39.13) by adding the following new airworthiness directive.

Bell Helicopter Textron (BHT): Applies to Models 206A and 206B helicopters, serial numbers 148 and 414 through 913, certificated in all categories. Compliance is required within the next 500 hours time in service after the effective date of this airworthiness directive unless already accomplished.

To minimize the possibility of loss of directional control due to failure of the tail rotor drive shaft, remove and replace the tail rotor drive shaft bearing hangers with improved bearing hangers as specified below:

a.

Remove (shim type)	Install (spring type)
One (1) hanger P/N 206-040-345-5.	One (1) hanger P/N 206-040-345-9 or P/N 206-040-355-1.
One (1) hanger P/N 206-040-346-5.	One (1) hanger P/N 206-040-346-17.
Five (5) hangers P/N 206-040-338-1.	Five (5) hangers P/N 206-040-338-9.

b. Shim type hangers modified to the spring type using instructions provided in Technical Bulletin No. 206-77-7 will be acceptable for compliance with this AD.

c. All spring clamp type bearing hangers, P/N's 206-040-338-9, 206-040-355-1, 206-040-345-9, and 206-040-346-17 must be installed with the spring on the left side of the tail boom.

d. To prevent bearing hangers from chafing the drive shaft cover, the cover must be modified in accordance with Bell Helicopter Company Technical Bulletin No. 206-76-2 dated January 7, 1976, (misdated 206-76-2), or later FAA-approved revision or FAA-approved equivalent.

e. Removal and replacement, as prescribed by paragraph a., must be in accordance with the applicable maintenance and overhaul instructions.

Bell Helicopter Company Service Bulletin No. 206-77-9 pertains to and provides instructions for accomplishing the intent of this AD. The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 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 Service Manager, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Tex. 76101. These documents may also be examined at Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex. 76106, and at Federal Aviation Administration Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591.

Equivalent means of compliance with the modifications prescribed by this airworthiness directive may be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

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 Fort Worth, Tex., on March 24, 1978.

Henry L. Newman,
Director,
Southwest Region.

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

[FR Doc. 78-9398 Filed 4-7-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-RM-7]

FEDERAL AIRWAY, COLORADO

Proposed Extension

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to extend V-421 from Gunnison, Colo., to Kremmling, Colo., via the JERRO intersection near Aspen, Colo.[1] This route is presently used as a direct route without benefit of charted radicals and minimum flight altitudes. Its designation as an airway will provide valuable charted data and reduce the coordination and communication time required for the use of this route.

DATES: Comments must be received on or before May 10, 1978.

[1]Map filed as part of the original document.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Rocky Mountain Region, Attention: Chief, Air Traffic Division, Docket No. 78-RM-7, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. The official docked may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket, (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed 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, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received on or before May 10, 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 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 in a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would designate a new segment of VOR federal airway by extending V-421 from its present terminal at Gunnison, Colo., to terminate at Kremmling, Colo., via the INT of Gunnison 010°T (356°M) and Kremmling 203°T (189°M) radials. The proposed airway is used rather extensively as a direct route and its designation as an airway will reduce the time required for flight planning in addition to coordination and communication between pilots and air traffic controllers.

DRAFTING INFORMATION

The principal authors of this document are Mr. Everett L. McKisson, Air Traffic Service, and Mr. Richard W. Danforth, 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 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307) as follows:

In V-421 "Gunnison, Colo." is deleted and "Gunnison, Colo.; INT Gunnison 010° and Kremmling, Colo., 203° radials; to Kremmling." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. (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 April 3, 1978.

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

[FR Doc. 78-9393 Filed 4-7-78; 8:45 am]

[1505-01]

[14 CFR Part 71]

[Airspace Docket No. 78-WE-3]

AIRWAY FLOOR

Proposed Alteration

Correction

In FR Doc. 78-7083, appearing on page 11586 in the issue for Monday, March 20, 1978, the following changes should be made:

1. The second line of the first paragraph in column three should read, "[amend-]ment to Subpart C of Part 71 of the Federal Avi-[ation]"

2. The last line of the third paragraph in column three should read "71) as republished (43 FR 307)."

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 879-4]

NEBRASKA

Proposed Revision to Air Quality Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On December 29, 1977, the Governor of Nebraska submitted a proposed amendment to the State Implementation Plan. This amendment will raise the visible emission limitation for existing teepee waste wood burners from 20 percent to 40 percent opacity and for existing alfalfa dehydration plants from 20 percent to 30 percent opacity. This notice is to advise the public of the receipt of the proposed revisions and to request public comment.

DATES: Comments must be received on or before June 9, 1978.

ADDRESS: Comments should be sent to William A. Spratlin Jr., Chief, Air Support Branch, Air and Hazardous Materials Division, EPA, Region VII, 1735 Baltimore, Kansas City, Mo. 64108.

FOR FURTHER INFORMATION CONTACT:

Robert J. Chanslor, 816-374-3791.

SUPPLEMENTARY INFORMATION: Rule 13, "Visible Emissions: Prohibited" of the Nebraska Rules and Regulations has been amended to exempt existing teepee waste wood burners and existing alfalfa dehydration plants from the visible emission limitation of 20 percent opacity established for existing sources. These revisions were approved by the Nebraska Environmental Control Council at a public hearing on November 18, 1977, and became effective December 7, 1977.

The amendment to Rule 13 concerning existing teepee waste wood burners was requested by the Table Rock Lumber Company of Table Rock, Nebraska. The Table Rock Lumber Company determined it economically infeasible to modify their facility in order to meet the 20 percent opacity limitation. A special ad hoc committee of the Nebraska Environmental Control Council studied this request and proposed existing teepee waste wood burners be allowed a visible emission limitation of 40 percent opacity.

The following information was considered by the committee in their recommendation of a 40 percent opacity limitation.

1. The exemption will apply to only the two existing teepee waste wood burners in the State, therefore, the provision will have no significant impact on ambient air quality; and

2. The air quality in the areas of both existing teepee waste wood burners is below secondary National Ambient Air Quality Standards.

The proposed revision to Rule 13 which allows existing alfalfa dehydrators a visible emission limitation of 30 percent opacity was recommended by a special ad hoc committee of the Nebraska Environmental Control Council. This recommendation was partially based on the "Study of Alfalfa Dehydrators in Nebraska" by PEDCo Environmental for the EPA, Region VII. According to this study, the 20 percent opacity limitation is more restrictive than the particulate emmission limitations calculated using the process rate weight equation in Rule 5 of the Nebraska Rules and Regulations. The study also stated that some periods with opacity greater than 20 percent are unavoidable due to variations in feed and high dryer temperatures necessary in the dehydration plants.

These changes constitute a proposed revision to the Nebraska SIP, pursuant to § 51.8 of this chapter. Relevant comments concerning the proposed revisions and compliance with the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51 will be considered by the Regional Administrator in her decision to approve or disapprove the plan revision.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations: Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Missouri 64108; Public Information Reference Unit, Library Systems Branch (PM-213), Environmental Protection Agency, Washington, D.C. 20460; and the Department of Environmental Control, 1424 P Street, Lincoln, Neb. 68509. (42 U.S.C. 1857c-5)

Dated: March 30, 1978.

EARL J. STEPHENSON,
Acting Regional Administrator.

[FR Doc. 78-9492 Filed 4-7-78; 8:45 am]

[6560-01]

[40 CFR Part 55]

[FRL 878-2]

STATE AND FEDERAL ADMINISTRATIVE ENFORCEMENT OF IMPLEMENTATION PLAN REQUIREMENTS AFTER STATUTORY DEADLINES

Proposed Delayed Compliance Order for the Chesapeake Corp. of Virginia

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency proposes to issue an administrative order to the Chesapeake Corp. of Virginia requiring its Boiler Number 8 at West Point, Va., to achieve compliance with air pollution requirements under the Virginia State Implementation Plan by June 30, 1980.

DATE: Written comments and requests for a public hearing (and reasons therefore) must be received on or before May 10, 1978.

ADDRESS: All comments and requests for a public hearing should be submitted to: U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106. Attn: Director, Air and Hazardous Materials Division.

FOR FURTHER INFORMATION CONTACT:

Mr. Bernard E. Turlinski, Regional Energy Coordinator, Environmental Protection Agency, Sixth and Walnut Streets, Philadelphia, Pa. 19106, 215-597-8176.

SUPPLEMENTARY INFORMATION: EPA has developed an administrative order it proposes to issue under section 113(d)(5) of the Clean Air Act (the Act), 42 U.S.C. 7401 et seq., to the Chesapeake Corp. of Virginia requiring its Boiler Number 8 at West Point, Va., to achieve compliance with Virginia State Air Pollution Control Board, part IV, Rules EX-2 and EX-3 of the Virginia State Implementation Plan by June 30, 1980. The order would require Chesapeake Corp. to install control equipment according to the schedule set forth below, and, also contains interim emission reduction requirements, specifies emission limitations, coal pollutant characteristics, and requires monitoring and reporting of air quality and air pollutant emissions data. If the order is issued, source compliance with its terms will preclude any further EPA enforcement action under section 113 of the Act, and any citizens suits under section 304 of the Act, against the source for violations of the Virginia Implementation Plan provisions covered by the order. The purpose of this notice is to invite public comments on whether or not EPA should issue this order under section 113(d)(5) and to offer an opportunity for public hearing, if significant public interest exists, to discuss this issue.

The actual terms of the order, as set forth below, may be modified prior to final EPA issuance. Background information applicable to Chesapeake Corp. may be viewed during normal business hours at the address provided above.

All interested persons are invited to submit written comments on the proposed order. Comments, submitted in person or by mail, within 30 days of this publication, will be considered in determining whether EPA should issue the order. Any person may request a public hearing on the subject order by submitting a request in writing, and reasons therefore, to the above Regional office on or before May 10, 1978. If there is significant public interest in holding such a hearing, it will be conducted by the Regional III Office following 30 days prior notice of the time and place of the hearing.

The Clean Air Act Amendments (the Amendments) of 1977 have changed the authority of the Administrator to issue extensions of compliance dates to sources which receive orders from the Department of Energy prohibiting the use of oil or gas as a primary energy source under section 2(a) of the Energy Supply and Environmental Coordination Act (ESECA). Such extensions were issued under section 119 of the Clean Air Act (the Act) as in effect prior to the amendments, and regulations implementing section 119 were codified under 40 CFR part 55. Section 112 of the amendments repealed section 119 and added a new section 113(d) which provides for the issuance of extensions to all sources generally and to prohibited sources specifically (113(d)(5)). Regulations promulgated in 40 CFR part 55 under the authority of section 119 are being revised to reflect this statutory change and any extensions granted under the new authority of 113(d)(5) will be promulgated in part 55. Because of the shorter time period necessary for promulgation of a delayed compliance order (DCO) as compared to the time necessary for revision of the regulations under 40 CFR part 55, a small number of DCO's will be promulgated under part 55 before the revised regulations are published.

The Clean Air Act Amendments of 1977 have changed the ESECA program in four major respects. These changed are:

(1) Sources able to comply with the applicable State implementation plan by December 31, 1985, may be eligible for an extension as opposed to the previous date of January 1, 1979;

(2) Extensions are to be provided for via section 113(d)(5) Delayed Compliance Orders, rather than section 119 Compliance Date Extensions;

(3) The regional limitation of old section 119 (c)(2)(D) has been made a rebuttable presumption by new section 113(d)(5)(D); and

(4) Written consent of the Governor of the appropriate State must be obtained on any date EPA proposes to certify to the Department of Energy as the earliest date a prohibited source can convert to coal in compliance with applicable air polution requirements.

Therefore, if the subject order is issued by EPA, 40 CFR part 55 would

be amended based upon the actual term of Order No. R-III-CC-001 appearing below:

[Order No. R-III-CC-001]

In the matter of The Chesapeake Corp.

This order is issued pursuant to subsection 113(d)(5) of the Clean Air Act, as amended, 42 U.S.C. 7413(d) ("the Act"). This order contains a schedule for compliance, interim requirements, monitoring and reporting requirements, and other requirements of this subsection of the Act. Public notice has been provided pursuant to subsection 113(d)(1) of the Act and a copy of this order has been provided to the Governor of the Commonwealth of Virginia to seek his concurrence.

FINDINGS

On June 30, 1977, Chesapeake Corp. ("Company") received a Prohibition Order from the Federal Energy Administration ("FEA") pursuant to section 2 of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. 792 (Supp. V, 1975), as implemented by 10 CFR parts 303 and 305 (1976), as amended, 42 FR 23132 (1977). Said order prohibited, upon receipt of Notice of Effectiveness, any further burning of natural gas or petroleum products as the primary energy source for the Company's Number 8 boiler ("source").

The Company's Number 8 boiler was burning petroleum products at the time the FEA Prohibition Order was issued, and, if converted to coal, would no longer be in compliance with every applicable air pollution requirement under the Virginia State Implementation Plan ("SIP"). At no time was the national primary ambient air quality standard with respect to such pollutant being exceeded in the Northeastern Virginia Intrastate Air Quality Control Region in which the Company is located.

The Company, on September 28, 1977, formally requested from the U.S. Environmental Protection Agency ("EPA") an order to allow the burning of coal as the primary energy source. After a thorough investigation of the information obtained from all sources, including public comment, the Administrator of EPA has determined that the emission limitations, coal pollution characteristics, and other enforceable measures contained in the order below, satisfy the requirements of subsection 113(d)(5)(B) of the Act. Further, pursuant to subsection 113(d)(5)(B), the Administrator has determined compliance with the requirements of this order will assure that, during the period of the order before final compliance is achieved, the burning of coal by the source will not result in emissions which will cause or contribute to concentrations of any air pollutant in excess of any national primary ambnient air quality standard for such pollutant.

Pursuant to subsection 113(d)(6) of the Act, the Administrator has determined that the schedule for compliance set forth below is as expeditious as practicable.

Finally, pursuant to subsection 113(d)(7) of the Act, the Administrator has determined that the order provides that the source shall use the best practicable system or systems of continuous emissions reduction, taking into account the requirements with which the source must ultimately comply, during the period of said order. The source shall also be required to comply with interim requirements, set forth in said order, and determined to be necessary to comply with the requirements of the Virginia State Implementation Plan ("SIP") insofar as the Administrator has determined that the source is able to do so.

ORDER

Therefore, it is hereby ordered:

I. That the Company's boiler number 8 ("source") will comply with the requirements of the Virginia SIP, as specified in part IV, Rules EX-2 and EX-3 of the federally approved Regulations for the Control and Abatement of Air Pollution in the Commonwealth of Virginia, as expeditiously as practicable, but in no event later than the dates specified in the following schedule:

A. Not later than January 31, 1978: Enter into contracts for particulate emissions controls and other equipment necessary for final compliance.

B. Not later than February 10, 1978: Submit for approval to the EPA Region III, Air and Hazardous Materials Division Director, contracts for continuous particulate emissions reduction systems and other equipment necessary for final compliance.

C. Not later than March 1, 1978: Enter into contracts for long term supplies of coal.

D. Not later than March 11, 1978 (or ten (10) days after signing long term coal contracts, whichever is earlier): Submit for approval to the Division Director, Air and Hazardous Materials Division, EPA Region III, such long term coal contracts and all information concerning the kinds of coal which the Chesapeake Corp. found available, and an explanation of the reasons behind any decision to reject a contract for available coal with charateristics better than the selected coal.

E. Not later than March 31, 1979: Initiate on-site construction or installation of continuous particulate control systems.

F. Not later than February 28, 1980: Complete on-site construction or installation of continuous particulate control systems.

G. Not later than June 30, 1980: Perform emission tests in accordance with 40 CFR part 60 and submit reports demonstrating final compliance with the Regulations of the Commonwealth of Virginia State Air Pollution Control Board, part IV, Rules EX-2 and EX-3 as approved by EPA.

II. With respect to the schedule increments set out in subparagraphs (A) through (G) of paragraph I hereinabove, the Company shall notify the Division Director, Air and Hazardous Materials Division, EPA Region III within ten (10) days after each incremental requirement has been satisfied, or within ten (10) days after the final date set for achieving each such requirement, if such requirement has not been achieved.

III. That the Company's boiler number eight (8) ("the source") shall comply with the following interim requirements which are determined to be the best reasonable and practicable interim system of continuous emission reducton (taking into account the requirements of paragraph I, above), and which are necessary to assure compliance with the federally approved Regulations, EX-2 and EX-3, of part IV of the Virginia Regulations for the Control and Abatement of Air Pollution, insofar as the source referred to above is able during the period this order is in effect:

A. During the period of the order's effectiveness, prior to the date set for final compliance or the date on which final compliance is achieved (whichever is earlier), the source shall not burn coal with an ash content exceeding twelve percent (12%) and a high heating value of less than 12,500 British Thermal Units (BTU's) per pound;

B. During the same period specified in subparagraph A. hereinabove, the source shall not emit in excess of 3.9 pounds of particulate matter per million British Thermal Units (Btu's) high heating value fuel input at maximum load from boiler number eight (8); and

C. During the same period specified in subparagraph A. hereinabove, the Company shall operate and maintain the existing multiclones of boiler number eight (8) to ensure a minimum removal efficiency of sixty percent (60%) at total capacity.

The above conditions have been determined by the Administrator to be the best practicable interim system or systems of emission reduction for the period during which this order will be in effect. The conditions of this paragraph are also ordered to meet the requirements of subsection 113(d)(5)(B) of the Act, and are therefore subject to modification from time to time pursuant to said provision. Any modifications, if made, shall be accompanied by a determination of the Administrator that such modifications continue to meet the best practicable interim system of emission reduction, and other interim requirements of subsection 113(d)(7) of the Act, or shall include requirements to comply with said subsection.

IV. That the Chesapeake Corp. is not relieved by this order from compliance with any requirements imposed by the applicable State Implemeniation Plan, EPA, and/or the courts pursuant to section 303 of the Act during any period of imminent and substantial endangerment of the health of persons.

V. That the period of effectiveness of this order shall not include any interval in which a national primary ambient air quality standard for particulate matter is being exceeded in the Northeastern Virginia Air Quality Control Region. During such intervals, if any, full compliance with the standards and limitations of the Virginia State Implementation Plan (excluding said order) shall be required of Chesapeake Corp., and violations by Chesapeake Corp. of said SIP shall be subject to enforcement under any or all authorities of section 113 of the Act.

VI. That the Chesapeake Corp. shall comply with the following emission monitoring and reporting requirements on or before the dates specified below:

A. Emission monitoring. 1. Within thirty (30) days of receipt of this order, the Chesapeake Corp. shall submit to the Director, Air and Hazardous Materials Division, EPA Region III, a proposal for a complete air quality monitoring network to be set up by the Company in the vicinity of the Source. Said network shall include monitors capable of measuring 24-hour average particulate concentrations. EPA Region III may, on its own initiative, direct that continuous sulfur and operated by the Company.

2. Within ninety (90) days of receipt of this order, the Company shall complete installation and begin operation of the network proposed under subparagraph A.1., of this paragraph, as approved, and with any modifications made by the Director, Air and Hazardous Materials Division, EPA Region III.

3. Within ninety (90) days of receipt of this order, the Company shall submit in writing for his approval to the Director, Air and Hazardous Materials Division, EPA Region III, the methods, procedures, and

devices the Company intends to use to obtain the information required by subparagraph B. of this paragraph.

4. Within thirty (30) days of approval by EPA of the monitoring and information gathering system proposed under subparagraph A.3 of this paragraph, the Company shall implement such system as may be modified by the Director, Air and Hazardous Materials Division, EPA Region III in his approval.

5. Within sixty (60) days of commencing the use of coal in the Company's boiler number eight (8), the Company shall perform source testing for particulate emissions using EPA method five (5) as specified in appendix A of part 60, title 40 of the Code of Federal Regulations, as amended. The Company shall perform such tests in a manner approved in writing by EPA Region III and shall provide to the EPA Region III Regional Energy Coordinator a minimum of fifteen (15) days written notice prior to conducting such tests. The Company shall provide to said Regional Energy Coordinator a complete report containing all information pertinent to the performance and results of said stack tests within thirty (30) days of completing such tests.

6. Within sixty (60) days of installation of the continuous capacity monitor required under subparagraph B.1. of this paragraph, the Company shall conduct a Performance Specification Test (PST) in accordance with Performance Specification 1, appendix B of part 60, title 40 of the Code of Federal Regulations. The Company shall notify the Regional Energy Coordinator, EPA Region III, of the date on which the PST will be conducted at least thirty (30) days prior to such date.

7. Within forty-five (45) days of the PST required under subparagraph A.6. of this paragraph, the Company shall submit a complete report containing all information pertinent to the PST to the Regional Energy Coordinator, EPA Region III.

B. Recordkeeping and reporting. 1. The Company shall keep monthly records both of air quality monitoring data and of air pollutant emissions, of which records the Company shall submit copies to the EPA Region III Regional Energy Coordinator within fifteen (15) days of the end of each calendar month. Said air pollutant emission records shall detail daily emission for all combustion units of the company and shall at a minimum, include:

(a) For each steam generating unit, a breakdown of the fuel consumed each day of the preceding month;

(b) For each steam generating unit, an analysis of the fuel consumed each week to include sulfur content, ash content, and high heating value; and

(c) For the stacks serving boiler numbers eight (8) only, a record of the hourly measurement of opacity, acquired by means of a continuous opacity monitoring device. Such device shall be installed, calibrated, and maintained in accordance with Performance Specification 1. of appendix B, part 60, title 40 of the Code of Federal Regulations.

2. If, for any reason, the Company does not comply or will be unable to comply with the requirements of this order, the Company shall provide in writing to the Director, Air and Hazardous Materials Division, EPA Region III, within five (5) days of becoming aware of such situation:

(a) A description of the violation and its cause; and

(b) The period during which noncompliance has occurred and/or is expected to occur, and the steps taken to reduce, eliminate and precent recurrence of the violation.

3. If the air quality monitoring data colected by the Company pursuant to section A of this paragraph indicates that the Natonal Primary Ambient Air Quality Standrds for particulates are being exceeded in the area, the Company shall notify the Director, Air and Hazardous Materials Division, EPA Region III of such occurrence by telephone or letter or other means, within seventy-two (72) hours of the collection of such data.

4. The requirement of subparagraph three (3) hereinabove shall apply with respect to monitoring data and the National Ambient Air Quality Standards for Sulfur Dioxide, if such monitoring requirements are imposed pursuant to secton A. of this paragraph.

VII. Nothing herein shall affect the responsibility of Chesapeake Corp. to comply with State, local, or other Federal regulations.

VIII. Chesapeake Corp. is hereby notified that its failure to achieve final compliance at its boiler number eight (8) with the applicable particulate emission regulations of the Virginia SIP by June 30, 1980, or such other date as may be specified in a second order pursuant to subsection 113(d) of the Act, if issued, may result in a requirement to pay a noncompliance penalty under section 120 of the Act. Such requirement may be imposed at an earlier date, which is subsequent to July 1, 1979, as provided by subsection 113(d) and section 120 of the Act, either in the event that this order is terminated as provided in paragraph IX, below, or in the event that any requirement of this order is violated as provided in paragraph X, below. In any event, the Company will be formally notified, pursuant to subsection 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

IX. This order shall be terminated in accordance with subsection 113(d)(8) of the Act if the Administrator or his delegatee determines, on the record, after notice and hearing, that an inability of the Company to comply with Rules EX-2 and EX-3, Part IV of the Virginia Regulations for the Control and Abatement of Air Pollution, as approved by EPA, no longer exists with respect to its boiler number eight (8).

X. Violation of any requirement of this order shall result in one or more of the following actions:

A. Enforcement of such requirement pursuant to subsection 113 (a), (b), or (c) of the Act, including possible judicial action for an injunction and/or penalties and in appropriate cases, criminal prosecution.

B. Revocation of this order, after notice and opportunity for a public hearing, and subsequent enforcement of the Virginia SIP in accordance with the preceding paragraph.

C. If such violation occurs on or after July 1, 1979, notice of noncompliance and subsequent action pursuant to section 120 of Act.

XI. This order is effective upon promulgation in the FEDERAL REGISTER and after having received concurrence from the Governor of the Commonwealth of Virginia.

Date: ————.

Administrator or Delegatee,
U.S. Environmental Protection Agency.

Waiver of Rights to Challenge Order

The Chesapeake Corp., by the duly authorized undersigned, hereby consents to the terms of this order and waives any and all rights under any provision of law to challenge this order.

Date: ————.

(Authority: 42 U.S.C. 7413(d).)

Dated: March 13, 1978.

JACK J. SCHRAMM,
Regional Administrator.

[FR Doc. 78-9234 Filed 4-7-78; 8:45 am]

[1505-01]

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

[41 CFR Part 101-11]

RECORDS MANAGEMENT

Micrographs Management

Correction

In FR Doc. 78-7953 appearing at page 12731 in the issue for Monday, March 27, 1978, in § 101-11.506-3 (e)(2), in the table which appears on page 12734, the "Background Density" for the classification "Group 5" was omitted and should have read as follows: "1.50-1.80".

[4310-70]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 3]

PRESERVATION OF AMERICAN ANTIQUITIES

Definition of "Object of Antiquity"

AGENCY: Heritage Conservation and Recreation Service.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document is in furtherance of the Department of the Interior's responsibilities in the administration of the American Antiquities Act of 1906, for the preservation and protection of archeological, historic and paleontological resources located on federally owned or controlled lands administered by this Department. Specifically, the Department proposes a definition of the phrase "object of antiquity" as used in the act for the purpose of providing notice to the public of those objects subject to the prohibitions of the Act.

DATE: Comments must be received on or before May 25, 1978. It is the policy of the Department of the Interior to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comment, suggestions or objections regarding the proposed regulations to the Heritage Conservation and Recreation Service.

ADDRESS: Comments should be submitted to the Director, Heritage Conservation and Recreation Service, Department of the Interior, 1951 Constitution Avenue, Washington, D.C. 20240, Attention: Code 780.

FOR FURTHER INFORMATION CONTACT:

Departmental Consulting Archeologist, Attention: Charles M. McKinney Office of Archeology & Historic Preservation, Heritage Conservation and Recreation Service, Department of the Interior, Telephone Number: 202-523-5454.

SUPPLEMENTAL INFORMATION: The proposed definition of "object of antiquitiy" is designed to provide understanding as to the objects covered by the American Antiquities Act of 1906, (34 Stat. 225), which provides criminal penalties for the violation of its provisions. To this end, "object of antiquity" is defined by four subsections that attempt to describe, in lay terms, objects that are of archeological, anthropological, paleontological, or historic interest.

This definition is intended to eliminate the infirmities in the act found by the Ninth Circuit Court of Appeals in *United States* v. *Diaz*, 499 F. 2d 113 (9th Cir. 1974). In that case, the court held that because the act used undefined terms of uncommon usage, it was unconstitutionally vague. Of specific concern to the court was that the Government used not only age, but also the use to which an object was put in determining which objects were protected by the act. This proposed definition addresses both of those problems by providing notice, in lay terms, of what it is to be protected and by making age, and not use, the most significant factor.

Artifacts (or objects made or modified by man for his use) are protected by paragraph (a). The involvement of man in making or modifying the object with a view toward subsequent use is the attribute that makes the object valuable to the fields of archeology and anthropology. While the list in paragraph (a) of types of objects covered is intended to be exemplary, not inclusive, it should give the average person adequate notice of what is meant by the word "artifact."

Skeletal remains are covered by paragraph (b). Bones are generally not artifacts, but are of great importance to archeology and anthropology when they occur in a cultural context. This point is obvious for human skeletal remains. Faunal (animal) skeletal materials are also important because they often yield human behavorial data of great value to the study of man.

The third paragraph (c) gives land managers the option of protecting any object, natural or man-made, located in or associated with a site of archeological, prehistoric, or historic significance by taking an official action to notify the public that the site is protected. Such notification could occur either by the inclusion of the site on the National Register of Historic Placers (constructive notice), or through fencing, discretionary posting, or some other onsite designation (actual notice).

The fourth paragraph (d) provides protection for vertebrate paleontological specimens under the authority of this act other than those specimens located in a cultural context referenced in paragraph (b). This subsection pertains specifically to fossil materials important to the study of vertebrate paleontology.

It should be noted that this definition will apply only to lands administered by the Department of the Interior. Those other Departments to which this act grants regulatory authority, Defense and Agriculture, are considering similar action.

It is hereby determined that the publication of this proposed regulation would not constitute a major Federal action significantly affecting the quality of the human environment and that no environmental impact statement pursuant to section 102(2)(c) of the National Environmental Policy Act, 42 U.S.C. 433(c) is required. For specific proposals requiring the Department of the Interior to carry out its cultural resource management responsibilities under the Antiquities Act, or other historic preservation legislation, compliance with the National Environmental Policy Act will be accomplished on an individual basis.

The following persons participated in the writing of this regulation: Charles M. McKinney, Manager, Federal Antiquities Program, Office of Archeology and Historic Preservation, Department of the Interior, Washington, D.C. and John G. DeKoster, Attorney, Office of the Solicitor, Department of the Interior, Washington, D.C.

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

Dated: March 31, 1978.

ROBERT L. HERBST,
Assistant Secretary for Fish and Wildlife and Parks.

Pursuant to the authority of the Secretary of the Interior contained in Section 4 of the American Antiquities Act of 1906, 34 Stat. 225 (16 U.S.C. 432), it is hereby proposed to add § 3.18 to Part 3 of Title 43 of the Code of Federal Regulations, to read as follows:

§ 3.18 Definition.

Object of antiquity as used in the American Antiquities Act of 1906, 34 Stat. 225 (16 U.S.C. 431, 432 and 433) and in this Part, means—

(a) Any artifact that is at least 100 years of age, including but not limited to petroglyphs, pictographs (prehistoric and historic rock art), intaglios, rock alignments, paintings, pottery (ceramics), tools, implements, ornaments, jewelry, coins, fabrics, clothing, containers, ceremonial objects (items of socio-religious or political significance), vessels, ships armaments, vehicles, structures (or remains thereof), and buildings;

(b) When found within a cultural context, any skeletal remains of humans or other vertebrate animals (including fossils), that are at least 100 years of age;

(c) Any object that is at least 100 years of age and is located in or associated with an archeological, historic, or paleontological site, if the site has been physically posted or marked by the land manager as protected, or has been listed in the National Register of Historic Places; or

(d) Any remains of extinct fossil vertebrate species.

NOTE.—The Department is presently considering various alternatives for paleontological specimens as "objects of scientific interest" aside from "objects of antiquity" and for future consideration under the authority of the American Antiquities Act of 1906. Until further notice of either separate protective legislation or administrative actions under the existing statute, vertebrate specimens will continue to receive full protection under the act.

By Departmental administrative decision, invertebrate and paleobotanical specimens have not received protection under the permit authority of this statute in the past. However, should a land managing bureau through documented consultation with the paleontological professional community determine certain species to be rare and endangered, specific localities may be designated and subject to the permit provisions of the Act at the discretion of the Secretary. Such localities would receive protection referenced in subsection (c) above and be subject to conservation measures as directed by the Secretary of the Interior.

[FR Doc. 78-9477 Filed 4-7-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-122; RM-3036]

FM BROADCAST STATION IN SPRING GROVE, MINN.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Spring Grove, Minn. The proposal for that community's first FM assignment was made in a petition filed by John H. White.

DATES: Comments must be received on or before May 26, 1978. Reply comments must be received on or before June 15, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 27, 1978.

Released: April 5, 1978.

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations. (Spring Grove, Minn.), BC Docket No. 78-122, RM-3036.

1. *Petitioner, Proposal, Comments.* (a) Notice of Proposed Rulemaking is given concerning amendment of the FM Table of Assignments § 73.202(b) of the Commission's rules) as it relates to Spring Grove, Minn.

(b) Petition for rulemaking[1] was filed on behalf of John H. White ("petitioner") seeking the assignment of Channel 252A to Spring Grove, as its first FM assignment. No responses to the petition were received.

(c) Petitioner states he will file an application promptly for the channel, if assigned.

(d) Channel 252A could be assigned in conformity with the minimum distance separation requirements provided the transmitter site is located approximately 3 kilometers (2 miles) west of Spring Grove. The petitioner's preclusion study indicates that only a very small area near Spring Grove would be precluded on Channel 252A.

2. *Community Data*—(a) *Location.* Spring Grove, in Houston County, is located 249 kilometers (155 miles) southeast of Minneapolis/St. Paul.

(b) *Population.* Spring Grove—1,297; Houston County—17,390.[2]

(c) *Local Broadcast Service.* There is no local aural broadcast service in Spring Grove or Houston County.

3. Petitioner states that Spring Grove has a mayor-council form of government and its own police and fire departments. It notes that the major employers in the area are the Northern In-Dec Division, Roverud Construction, Inc., Four Square Co-op Oil Co. and Northwest Tie Co., Inc. Petitioner also submitted information with respect to churches, educational and civic organizations.

4. In view of the apparent need for a first local full-time aural broadcast service in Spring Grove and Houston County, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the rules, with regard to Spring Grove, Minn., as follows:

City and Channel No.	
Spring Grove, Minn.;	Present: ——; Proposed: 252A.

5. Authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached appendix below and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the appendix below before a channel will be assigned.

6. Interested parties may file comments on or before May 26, 1978, and reply comments on or before June 15, 1978.

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

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, section 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule-making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-9436 Filed 4-7-78; 8:45 am]

[1] Public Notice of the petition was given on January 19, 1978, Report No. 1096.

[2] Population figures are taken from the 1970 U.S. Census.

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1307]

[Ex Parte No. MC 98 (Sub-No. 1)]

MOTOR CARRIER CLASSIFICATION SYSTEM

Investigation

AGENCY: Interstate Commerce Commission.

ACTION: Notice of investigation.

SUMMARY: As a result of criticism of the present motor carrier system of classifying articles for the purpose of ratemaking, and pursuant to findings in Ex Parte No. MC 98, new procedures in motor carrier restructuring proceedings, decided March 20, 1978, the Interstate Commerce Commission has instituted a proceeding for the purpose of investigating the present motor carrier classification system and revising 49 CFR 1307.37 as appropriate.

DATE: Statements of intent to participate are due on or before May 1, 1978. As soon as practicable thereafter, the Commission will serve a list of the names and addresses of all persons on whom service of an opening and reply statement shall be made.

ADDRESS: Send statements of intent to participate to: Office of Proceedings, room 5342, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Deputy Director Rosenak, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7693.

SUPPLEMENTARY INFORMATION: Many parties to Ex Parte No. MC 98 expressed dissatisfaction with the present motor carrier classification system. Under this system articles are assigned to a limited number of classes or ratings. Rates are then published thereon. As noted in the Commission's notice of proposed rulemaking for Ex Parte No. MC 98 (published at 41 FR, January 13, 1976, p. 1923), insofar as the classification affects less-than-truckload (LTL) movements:

> The present motor carrier LTL rate structure is essentially a copy of the classification-based system developed, and still used, by rail carriers. When regulation was expanded to include motor carriers, it became necessary for the motor carrier industry to publish a rate system of its own. That was done by adopting the rail classification and superimposing the principles underlying that system upon the motor carrier industry. The various individual rate bureaus developed a number of systems which for the most part bore a striking resemblance to each other, using the classification as the basis for differentiating between the relative transportability of different commodities.[1] At the time, this worked to the advantage of the motor carriers because value of service factors, inherently part of the classification of high value goods, allowed them to attract the most profitable portion of the LTL traffic from the rails by a skillful matching of rates and service.

Definition of Freight Classification

In order to evaluate the present classification system, it is necessary to assess its objectives. In this regard it is first noted that a freight classification is a division of groups of the commodities according to their transportation characteristics in order to assure that all bear a fair share of the transportation burden. Thus, the primary purpose of a freight classification is throught to be to assign each article, or a group of articles, to a class according to well-known classification principles which recognize distinctions between the articles from a transportation standpoint, along fairly broad lines. Characteristics of the commodities considered in fixing classification ratings are shipping weight per cubic foot, liability to damage, liability to damage other commodities with which it is transported, perishability, liability to spontaneous combustion or explosion, susceptibility to theft, value per pound in comparison with other articles, ease or difficulty in loading or unloading, stowability, excessive weight, excessive length, care, or attention necessary in loading and transporting, trade conditions, value of service, and competition with other commodities transported. The order in which the foregoing classification elements have been listed is not the order of their importance, as it is necessary to weigh the importance of each element from a classification standpoint, and this importance varies with each commodity or group of commodities with similar transportation characteristics. The classification of property into groups designed to fairly spread the burden of transportation has never been successfully reduced to formula.

Motor Carrier rates in New England, 47 M.C.C. 657, 661 (1948). Classification ratings based on density, 337 ICC 784, 797 (1970).

Classification principles generally recognize the chief characteristics inherent in the relative transportability of goods. But these may not be the same characteristics nor are they necessarily weighted appropriately to account for those factors important in the physcial handling (pickup, delivery, and terminal handling) of small shipments. For example, while density, volume, value, and packaging are all factors used in the classification system, the size of an individual shipment for pickup, delivery, or truck terminal sorting distribution and redistribution purposes are not necessarily the chracteristics important to, or even considered in, the classification of the commodity. These characteristics, however, are most significant in determining the cost of handling small shipments of goods. Similarly, the rate system, with various weight categories which differentiate between shipment size in groupings ranging from a minimum charge through LTL shipments in excess of 5,000 or 6,000 pounds, may exacerbate this classification infirmity. Even to the extent that it deals with broad parameters of LTL handling-movement costs, the evidence is persuasive that the result has been a pricing system which is not always cost-effective.

The pleadings of Ex Parte No. MC 98 reveal a widespread dissatisfaction with the present classification system. Although the rate bureaus defend the system, many shippers and individual carriers strongly criticized it.

A Nationwide System

A nationwide uniform system of classification of articles transported by rail became effective in 1952 pursuant to Docket No. 28300, class rate investigation, 1939, 262 ICC 447, 264 ICC 41 (1945), 268 ICC 577 (1947), 281 ICC 213 (1951), 286 ICC 5 (1952), 286 ICC 171 (1952). In that proceeding we prescribed a scale of class 100 rates with the rates for all other classes based thereon. A similar system was adopted by motor carriers subsequently. Those articles which when transported fell either above or below the cost attributed to class 100 articles were given a separate classification representing a percentage of the class 100 rate. Thus, a shipment of a commodity classed at 35 was transported at 35 percent of the class 100 rate, while a shipment classed at 125 was transported at 125 percent of the class 100 rate. In recent years, the motor carrier industry has departed from that system primarily through general increases and the periodic imposition of weight brackets. Classification as it was originally conceived has become distorted, resulting in the anomaly of having a multiplicity of classes for any particular commodity. Articles taking the same class truckload regularly take widely varying classes less-than-truckload with no apparent justification for such difference.

Innovation Is Necessary

Further, innovations in pricing can be and often are, inhibited by the present classification system. Many par-

[1] A notable exception is the volume-density related system developed by the New England area carriers, published as the Coordinated Classification. Whether or not the present motor carrier classification continues to work to the advantage of motors common carriers' present needs will be the subject of this proceeding.

tie? in Ex Parte MC 98, indicated a preference for the New England coordinated classification, based primarily on density, over the national motor freight classification, based on many other transportation characteristics and used in the rest of the country.

This proceeding is intended to determine fully how the present system can be best improved, whether a modification of a density based system modeled after the coordinated classification should be adopted nationally, or whether the entire system should be scrapped and a totally new system designed. Parties to the Ex Parte No. MC 98 as well as any other interested parties are invited to participate. The Commission notes that while criticism of the present classification voiced in Ex Parte No. MC 98 was directed primarily at small shipments, the problem appears to be the classification system generally. The investigation covers all aspects of the system.

SCOPE OF PROPOSED INVESTIGATION OF MOTOR CARRIER CLASSIFICATION SYSTEM

As a result of dissatisfaction with the present motor carrier system of classifying articles for the purpose of ratemaking, the Commission is initiating this investigation and rulemaking and requests comments from all interested parties. Comments are not confined to the following specific questions which are to be used as a guideline only:

1. Do you find the present motor carrier classification system fully adequate? Please explain.

2. Are the fifteen traditional characteristics:

A. Shipping weight per cubic foot,
B. Liability to damage,
C. Liability to damage other commodities with which it is transported,
D. Perishability,
E. Liability to spontaneous combustion or explosion,
F. Susceptibility to theft,
G. Value per pound in comparison with other articles,
H. Ease or difficulty in loading or unloading,
I. Stowability,
J. Excessive weight,
K. Excessive length,
L. Care or attention necessary in loading and transporting,
M. Trade conditions,
N. Value of service,
O. Competition with other commodities transported,

still relevant? Should they be weighted? Should other characteristics also be considered? Should the form of packaging be considered in the classification or in the tariff, or both?

3. If classification is a type of grouping, should there be more than one class for each article listed? Do transportation characteristics change between LTL shipments and TL shipments? If so, is there a better way of reflecting that change than by the classification rating?

4. Is there a point at which classification is irrelevant? What is that point? If the answer is in the affirmative, what should be substituted for classification?

5. Do you have any suggestions for improving the present system or for the design of a new system?

6. What type of costs are relevant for ratemaking purposes and should be included in classification?

7. Is there a mechanism by which FAK rates could be applied to shippers of several different commodities or frequent shipments of a mix of commodities without cross-subsidization by shippers of consistently low rated commodities.

By the Commission.

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

MARCH 20, 1978.

[FR Doc. 78-9404 Filed 4-7-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 28444]

CANADIAN WORLD WIDE LIVESTOCK FORWARDERS LTD. d.b.a. WORLD WIDE LIVESTOCK SERVICES, LTD.

Cancellation of Prehearing Conference

Since the application herein was withdrawn by the applicant and has been dismissed by Board Order No. 78-3-129, dated March 27 1978, the prehearing conference, heretofore set for April 11, 1978 (43 FR 10951, March 16, 1978) by Notice dated March 10, 1978, is cancelled.

Dated at Washington, D.C., April 4, 1978.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 78-9442 Filed 4-7-78; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

OKLAHOMA COLLEGE OF OSTEOPATHIC MEDICINE AND SURGERY

Decision on Application For Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00073. Applicant: The Oklahoma College of Osteopathic Medicine & Surgery, 1111 West 17th, P.O. Box 2280, Tulsa, Okla. 74101. Article: Nihon Kohden Model PC-3A, Continuous Recording Oscilloscope Camera with digital numbering unit, with accessories. Manufacturer: Nikon Kohden Kogyo Co. Ltd., Japan. Intended use of article: The article is intended to be used to record medical-biophysiological phenomena during research in neurophysiology. Such neurological information as the electroencephalogram, electromyogram, electrocardiogram and single unit nerve activities will be recorded in the course of various physiological experiments. Investigations are planned in the areas of heart disease (myocardial infarction research), autonomic nervous system regulation of body temperature and blood flow, and viscerosomatic reflex studies.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides continuous recording on 35 mm film in a lighted room. The Department of Health, Education, and Welfare advises in its memorandum dated March 2, 1978, that (1) the features of the article described above are pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus which has the combination of pertinent features provided by the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-9381 Filed 4-7-78; 8:45 am]

[3510-25]

UNIVERSITY OF CALIFORNIA—LOS ALAMOS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00047. Applicant: University of California, Los Alamos Scientific Laboratory, P. O. Box 990, Los Alamos, N. Mex. 87545. Article: Laser, multigas, Lumonics model TEA-203-2, and accessories. Manufacturer: Lumonics Research, Canada. Intended use of article: In order to extend the capability of already ongoing efforts in the studies of polyatomic molecular multiphoton photodissociation, laser induced chemistry, isotopically selective photochemical processes and laser induced fluorence, the article will be used to excite specific infrared energy transmissions in molecules such as UF_6, SF_6, Cl_2, NOCl, CRO, CF_2Cl_2, BCl_3, SF_5CL, MOF_6, etc. As a result of these studies chemical reaction rates with reaction partners in known vibrational quantum states will be determined.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides continuous wave operation in either carbon monoxide or carbon dioxide wave lengths. The National Bureau of Standards (NBS) advises in its memorandum dated March 8, 1978 that (1) the capability of the article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director Statutory Import Programs Staff.

[FR Doc. 78-9379 Filed 4-7-78; 8:45 am]

[3510-25]

UNIVERSITY OF MICHIGAN

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00050. Applicant: The University of Michigan, Department of Biological Chemistry, Medical Science Building I, Ann Arbor, Mich. 48109. Article: MCD-1B Electromagnet. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of article: The article is intended to be used for studies of metal complexes, peptides, nucleic acids, and proteins, including metalloproteins. Experiments will be conducted to obtain circular dichroism spectra of the molecules both free and in complex with other substances. The objectives of these measurements are to relate the circular dichroism and magnetic circular dichroism spectra to the arrangement of molecular groups in three-dimensional space.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's pruposes. The Department of Health, Education, and Welfare (HEW) advices in its memorandum dated March 2, 1978 that it knows of no domestic instrument of equivalent scientific value to the article for its intended uses.

The Department of Commerce knows of no other similar accessory being manufactured in the United States, which was interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-9083 Filed 4-7-78; 8:45 am]

[3510-25]

VETERANS ADMINISTRATION HOSPTIAL LABORATORY SERVICE AND WASHINGTON UNIVERSITY OF MEDICINE

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00056. Applicant: Veterans Administration Hospital Laboratory Service, University and Woodland Avenue, Philadelphia, Pa. 19104. Article LKB 2128-010 Ultramicrotome with accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for sectioning of biological materials including surgical specimens, biopsy tissue, especially renal, liver, small bowel and skin. Autopsy tissues are to be studied, and the investigation of rare hematologic disorders and infections produced by viruses. Investigations will be conducted with the objective of furthering the basic knowledge on cell and tissue ultrastructure and to reveal at the ultrastructural level the molecular structure and cytochemical distribution in cells and tissues developing under normal and pathological conditions.

The article will also be used in courses entitled Ultrastructure and Cytochemistry which will involve a study of general principles on techniques and the use of the electron microscope to study the fine structure of cells and various subcellular organelles and the employment of cytochemical and staining methods to localize various enzymes. Application received by Commissioner of Customs: November 16, 1977. Advice submitted by the Department of Health, Education, and Welfare on: March 2, 1978.

Docket No. 78-00059. Applicant: Washington University School of Medicine, 660 S. Euclid Avenue, St. Louis, Mo. 63110. Article: LKB 2128-010 Ultratome IV Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section cells, tissues, and virus obtained from biopsy and autopsy of animals and humans and tissue cultures used in research of the cancer process. The experiments to be conducted will be quite varied; i.e., the role of various types of viral particles in oncogenesis, the cell-cell contact inhibition phenomenon, examination of tumor tissues, both biopsy and autopsy, for viral particles, general ultrastructural effects on a cell by various viral and other carcinogenic agents. The experiments will also include cytochemical and immunochemical studies to localize specific enzymatic and immunologic sites during the cancer process. The article will also be used for training faculty and graduate students. Application received by Commissioner of Customs: January 4, 1978. Advice submitted by the Department of Health, Education, and Welfare on: March 2, 1978.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each of the foreign articles provides a range of cutting speeds 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket No. 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket No. 70-00077-33-46500) which also re-

lates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 78-9382 Filed 4-7-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

ATLANTIC GROUNDFISH

Approval of Amendment to Fishery Management Plan

The fishery management plan "Atlantic Groundfish" prepared by the New England Fishery Management Council was originally approved by the Secretary of Commerce on March 8, 1977, and subsequently amended by the Secretary. The New England Fishery Management Council prepared an amendment to the plan which was approved by the Secretary on March 28, 1978, and published on March 31, 1978 (43 FR 13601).

The Council at its meeting on March 22-23 gave further consideration to, among other things, the problem of heavy landings of cod in the early part of a quarter (three months) when U.S. commercial fishing is unrestricted by daily landings limits. The Council adopted several recommendations as proposed amendments to the Atlantic groundfish plan which were designed in a variety of ways to address the issue of achieving a more equitable distribution of cod, haddock, and yellowtail flounder over time and among the various segments of the fishery. Many of these proposed amendments represent new and substantial changes which are to be the subject of future public hearings. However, an open or unlimited period of commercial cod fishing has directly contributed to the landings experienced during 1977 and the first 3 months of 1978 that exceeded established optimum yields. The Assistant Administrator for Fisheries has determined that a cod resource emergency exists because of the excessive landings and prompt action is necessary to forestall further depletion of the resource.

This Notice is to announce the approval of an amendment to the plan that provides that the U.S. commercial cod fishery in the U.S. fishery conservation zone be conducted during the remainder of 1978 under specific restrictions on landings. These landings restrictions are set forth in emergency regulations published in the FEDERAL REGISTER on March 31, 1978 (43 FR 13578) that became effective on April 1, 1978.

The amendment has been reviewed and approved April 6, 1978, under a delegation of authority from the Secretary to the Assistant Administrator for Fisheries, NOAA.

Dated: April 6, 1978.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

Amendments to the fishery management plan are as follows:

1. Section II.C.4.(A)(2)(a) is amended by deleting "an incidental catch" and substituting "a".
2. Section II.C.4.(A)(2)(b) is amended by deleting "an incidental catch" and substituting "a".
3. Section II.C.4.(A)(3)(a) is amended by deleting "an incidental catch of".
4. Section II.C.4.(A)(3)(b) is amended by deleting "incidental".
5. Section II.C.4.(E) is amended as follows:

a. Delete "incidental" from the first paragraph wherever it occurs (3 locations).

b. Delete "(after directed fishery is closed)" from the first paragraph.

[FR Doc. 78-9557 Filed 4-7-78; 8:45 am]

[3510-22]

MARINE MAMMALS

Issuance of Permit to Take and Import

On February 2, 1978, notice was published in the FEDERAL REGISTER (43 FR 4449), that an application had been filed with the National Marine Fisheries Service, by Dr. Howard Gelberg, Department of Pathology, Cornell University, Ithaca, N.Y. 14853, for a permit to take five (5) harbor seals (*Phoca vitulina*) and to take and import forty (40) harp seals (*Phoca groenlandica*) for the purpose of scientific research.

Notice is hereby given that on March 31, 1978, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the above cited take and importation to Dr. Howard Gelberg subject to certain conditions set forth therein. The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Mass. 01930; and Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Wash. 98109.

Dated: March 31, 1978.

ROLAND F. SMITH,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc. 78-9373 Filed 4-7-78; 8:45 am]

[3510-22]

MARINE MAMMALS

Modification of Permit

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 220 issued to the Southwest Fisheries Center, National Marine Fisheries Service, La Jolla, California 92036, on February 3, 1978 (43 FR 6827), is modified in the following manner:

Section B-2 has been changed to read "The Assistant Administrator for Fisheries in consultation with the Marine Mammal Commission will evaluate the research to determine whether to authorize a partial take not to exceed 12,000 animals to determine readiness for large scale tagging."

This modification is effective on April 10, 1978.

This modification has been granted on the basis of information supplied by the Permit Holder which states that in view of the decision to proceed with whole school and related behavioral studies instead of tagging research during the second cruise of the dedicated research vessel, a larger number of animals could be taken. These animals, which will be released.

may not be taken until authorized by the Assistant Administrator for Fisheries in consultation with the Marine Mammal Commission.

The Permit as modified, and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: March 31, 1978.

ROLAND F. SMITH,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc. 78-9374 Filed 4-7-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

IMPORT RESTRAINT LEVELS UNDER NEW MULTIFIBER AGREEMENT WITH THE POLISH PEOPLE'S REPUBLIC; CORRECTION

APRIL 5, 1978.

On March 22, 1978, there was published in the FEDERAL REGISTER (43 FR 11845) a letter dated March 17, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishing the import restraint levels for certain cotton, wool and man-made fiber textile products during the twelve-month period beginning on January 1, 1978 under a new multifiber textile agreement between the Governments of the United States and the Polish People's Republic. In that letter the T.S.U.S.A. designation for the sublimit under Category 338 should have been T.S.U.S.A. numbers 380.0651 and 380.0652, instead of T.S.U.S.A. Number 380.0650.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 78-9423 Filed 4-7-78; 8:45 am]

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

FORT MacARTHUR, CALIF.

Announcement of Preferred Realignment Alternative

The Secretary of the Army announced on 6 April 1978 that the Army realignment study of Fort MacArthur, Calif., initiated in April 1976, has been concluded. Based upon that study, the Army's preferred course of action entails the relocation of the U.S. Army Support Detachment, the U.S. Army Readiness Group, and several small Army elements. Additionally, training for approximately 850 U.S. Army Reservists will be relocated to the Armed Forces Reserve Center (AFRC), Los Alamitos, Calif. The remaining portion of Fort MacArthur would be closed and excessed by the end of Fiscal Year 1982.

The current authorized strength at Fort MacArthur is 82 military and 207 civilian employees. The preferred alternative will result in a manpower savings of three military and 90 civilian employee spaces and will save approximately $2.25 million annually. The one-time costs associated with implementation of the preferred alternative are approximately $5.12 million which includes $3.6 million in new construction. The construction funds are the share attributable to the Fort MacArthur closure of a larger $8 million Reserve Center and maintenance facility proposed at Los Alamitos to accommodate Reserve Component activities to be relocated from Fort MacArthur and from other locations in the Los Angeles area by fiscal year 1982. An Environmental Impact Assessment has been prepared for the proposed realignment and it concludes that the proposed realignment will not significantly affect the quality of the human environment and will not be environmentally controversial; hence no EIS is being prepared on the proposed realignment. These planned actions are also in accordance with the approved Development Plan and Environmental Impact Statement for the AFRC, Los Alamitos.

In accordance with Department of Defense policy, a 30-day public comment period will be observed for this action, beginning with the publication of this notice. Copies of the study documents are available for review at the office of the Deputy Post Commander, Fort MacArthur, Calif. and in the Installations Planning Division Office, Office of the Assistant Chief of Engineers, Room 1D676, Pentagon, Washington, D.C. 20310, telephone 202-694-3986. Comments should be addressed to Headquarters, Department of the Army, ATTN: DAEN-ZCI, Pentagon, Washington, D.C. 20310. The decision whether to implement the preferred alternative will be made after review of the comments received.

ALAN J. GIBBS,
Assistant Secretary of the Army (Installations, Logistics and Financial Management).

[FR Doc. 78-9561 Filed 4-7-78; 8:45 am]

[3710-08]

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE

Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name of Committee: National Board for the Promotion of Rifle Practice.
Date of Meeting: April 28, 1978.
Place: Secretary of the Army Conference Room, Room 2E 687, The Pentagon.
Time: 0930 Hours.
Proposed Agenda:

1. Public relations program for the civilian marksmanship program.
2. Instructor training course for the small arms firing school.
3. Expansion of the DCM ammunition sales program.
4. NBPRP support for a pistol program.
5. M14 rifle use in the civilian marksmanship program.
6. M1 rifle sales program.
7. Issue of rifles for competition at the national matches.
8. Current and future national match program of events.
9. Nomination for board membership.
10. Implementation of A. D. Little report recommendations.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee at the time and in the manner permitted by the committee.

Dated: April 5, 1978.

JACK R. ROLLINGER,
Colonel, Infantry Executive Officer.

[FR Doc. 78-9559 Filed 4-7-78; 8:45 am]

[3710-08]

STATIONING OF TROOPS REDEPLOYING FROM KOREA

Public Hearings on Environmental Impact Statement

Public Hearings will be held during the period of April 17-24, 1978 on the Draft Environmental Impact Statement (DEIS) concerning the stationing of the 2d Infantry Division redeploying from Korea.

The DEIS examines in detail the physical, biological, and socio-economic impacts on the Army installations and neighboring communities associated with the stationing proposals.

The public hearings on the DEIS and the environmental and socio-economic impacts on the stationing proposals will be held at Columbus, Ga., (Fine Arts Hall, Columbus College) on April 17 (6:30 p.m.); Pemberton, N.J., (Pemberton Township High School) on April 18 (6:30 p.m.); Watertown, N.Y., (State Office Building Auditorium) on April 19 (7 p.m.); Ayer, Mass.

(Ayer Senior High School) on April 20 (6:30 p.m.); and El Paso, Tex., (El Paso Civic Center) on April 24 (6:30 p.m.)

Interested individuals and groups can obtain a copy of the Draft Environmental Impact Statement (at reproduction cost—$7 per copy) by writing or telephoning the Army Corps of Engineers District at Mobile. Written requests may be addressed to the U.S. Army Engineer District, Mobile, P.O. Box 2288, Mobile, Ala. 36628; telephone requests may be made by calling 205-690-2727.

In the Washington area, inspection copies of the draft EIS may be examined during normal duty hours in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310, telephone 202-694-3434.

BRUCE A. HILDEBRAND,
Deputy for Environmental Affairs, Office of the Assistant Secretary of the Army (Civil Works).

[FR Doc. 78-9560 Filed 4-7-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. WAPA 78-2]

RIO GRANDE PROJECT, WESTERN AREA POWER ADMINISTRATION

Order Amending Rate Adjustment

Notice is hereby given that the Assistant Administrator for Utility Systems, Economic Regulatory Administration has issued the order published below amending the rate adjustment for the Rio Grande Project, Western Area Power Administration.

In the matter of Rio Grande Project, Western Area Power Administration ex rel Resource Applications.

On September 30, 1977, the Secretary of the Interior issued a final decision adjusting the power rates for the Rio Grande Project of the Bureau of Reclamation. The Department of Energy [1] has been requested to reconsider that portion of the Secretary of the Interior's final decision which required the entire rate increase to be effective with the April 1978 billing period.

Pursuant to the separation of responsibilities within the Department of Energy,[2] the Assistant Secretary for Resource Applications has proposed that the Administrator of the Economic Regulatory Administration (ERA) amend the Secretary of the Interior's final decision to place the rate increase called for by that decision into effect in three steps over a two (2) year period. ERA has afforded interested persons the opportunity to file written comments relevant to the Assistant Secretary's proposal and to request a public hearing, 43 FR 8578 (March 2, 1978). Three interested parties filed written comments in response to the FEDERAL REGISTER notice and each party recommended that the Assistant Secretary's proposal be approved by ERA, effective April 1, 1978. No public hearing was requested.

The Assistant Administrator for Utility Systems, Economic Regulatory Administration, pursuant to the authority delegated to him and for good cause shown, Orders:

1. Rate Schedule SW-F2 approved by the Secretary of the Interior on September 30, 1977, is hereby superseded by Rate Schedule SW-F2R, attached hereto, and incorporated herein by reference;

2. Pursuant to the request of the interested parties, Rate Schedule SW-F2R shall be effective the first day of the first full billing period beginning on or after April 1, 1978. That part of section 11 of the Procedures which states that adjusted rates shall not be effective for at least 60 days after ERA issues a decision shall not be applicable to this Order;

3. The Assistant Secretary for Resource Applications shall cause a copy of this Order to be distributed to all parties on the service list.

Issued in Washington, D.C., April 4, 1978.

DOUGLAS C. BAUER,
Assistant Administrator for Utility Systems, Economic Regulatory Administration, Department of Energy.

[Schedule SW-F2R (Supersedes Schedule SW-F2)]

U.S. DEPARTMENT OF ENERGY, WESTERN AREA POWER ADMINISTRATION

RIO GRANDE PROJECT, NEW MEXICO AND TEXAS

Schedule of Rates for Wholesale Firm Power Service

Effective. The first day of the first full billing period beginning on or after April 1, 1978.

Available. In the area served by the Rio Grande Project.

Applicable. To wholesale power customers for general power service supplied through one meter at one point of delivery.

Character and conditions of service. Alternating current, sixty hertz, three-phase, delivered and metered at the points and voltages established by contract.

Monthly Rate

Demand charge: $2.13 per kilowatt of billing demand for the period through the March 1979 billing period; $2.72 per kilowatt of billing demand for the period beginning with the April 1979 billing period through the March 1980 billing period; $3.20 per kilowatt of billing demand beginning with the April 1980 billing period.

Energy charge: 6 mills per kilowatt-hour of use up to the energy obligation for the period through the March 1979 billing period; 7 mills per kilowatt-hour of use up to the energy obligation for the period beginning with the April 1979 billing period through the March 1980 billing period; 8.5 mills per kilowatt-hour of use up to the energy obligation beginning with the April 1980 billing period.

Billing demand: The billing demand will be the greater of (1) the highest 30-minute integrated demand measured during the month up to, but not in excess of, the delivery obligation under the power sales contract, or (2) the contract rate of delivery.

Energy obligation: The maximum kilowatt-hour obligation of the United States as established under the power sales contract.

Adjustments

For character and conditions of service. If delivery is made at transmission voltage so that the United States is relieved of substation costs, a five percent discount will be allowed on the capacity and energy charges.

For transformer losses. If delivery is made at transmission voltage but metered on the low-voltage side of the substation, the meter readings will be increased by two percent to compensate for transformer losses.

For power factor. None. The customer will normally be required to maintain a power factor at the point of delivery of between 95 percent lagging and 95 percent leading.

[FR Doc. 78-9478 Filed 4-5-78; 4:27 pm]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. ER78-270]

ARIZONA PUBLIC SERVICE CO.

Filing

APRIL 4, 1978.

Take notice that on March 27, 1978, Arizona Public Service Co. (APS) tendered for filing a Supplement dated November 9, 1977 to the Wholesale Power Agreement between Arizona Electric Power Cooperative, Inc. and APS respectively, previously designated APS-FPC Rate Schedule No. 57. APS states that this Supplement provides for a change in delivery point, thus excluding the imposition of the transmission charges.

APS requests waiver of the Commission's Regulations to permit an effective date of October 1, 1977.

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

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[1] The Department of Energy, pursuant to the Department of Energy Organization Act, Pub. L. 95-91, has replaced the Department of the Interior as the Federal agency responsible for marketing power from, inter alia, the Rio Grande Project.

[2] See "Procedures for Public Participation in General Adjustments in Rates for Power Marketed by the Western Area Power Administration," 43 FR 12076 (March 23, 1978) (Procedures).

before April 17, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78—9445 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket No. RP74-61(PGA78-2)]

ARKANSAS LOUISIANA GAS CO.

Filing of Revised Tariff Sheets Reflecting Purchased Gas Cost Adjustment

APRIL 3, 1978.

Take notice that on March 28, 1978, Arkansas Louisiana Gas Co. (Arkla) tendered for filing 17th Revised Sheet No. 4 to its FERC Gas Tariff First Revised Volume No. 1, Rate Schedule No. G-2, to become effective May 1, 1978.

Arkla states that the purpose of 17th Revised Sheet No. 4 is to track producer and pipeline supplier price changes as of May 1, 1978 and to recover the accumulated deferred purchased gas costs as of January 31, 1978, through unit rate adjustments computed pursuant to provisions of Arkla's purchased gas cost adjustment clause contained in its FERC Rate Schedule No. G-2.

Arkla also states that copies of the revised tariff sheet and supporting data were mailed to Arkla's jurisdictional customers and other interested parties affected by this tariff change.

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 April 17, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78—9446 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket No. RP76-10(PGA78-2)]

ARKANSAS LOUISIANA GAS CO.

Filing of Revised Tariff Sheets Reflecting Purchased Gas Cost Adjustment

APRIL 3, 1978.

Take notice that on March 28, 1978, Arkansas Louisiana Gas Co. (Arkla) tendered for filing 15th Revised Sheet No. 185 to its FERC Gas Tariff Original Volume No. 3, Rate Schedule No. X-26, to become effective May 1, 1978.

Arkla states that the purpose of the 15th Revised Sheet No. 185 is to track producer and pipeline supplier price changes as of May 1, 1978 and to recover the accumulated deferred purchased gas costs as of January 31, 1978, through unit rate adjustments computed pursuant to provisions of Arkla's purchased gas cost adjustment clause contained in its FERC Rate Schedule No. X-26.

Arkla also states that copies of the revised tariff sheet and supporting data were mailed to Arkla's jurisdictional customer and other interested parties affected by this tariff change.

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 April 17, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9447 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket No. CP78-245]

ARKANSAS-MISSOURI POWER CO. AND ASSOCIATED NATURAL GAS CO.

Application

APRIL 3, 1978.

Take notice that on March 21, 1978, Arkansas-Missouri Power Co. (Ark-Mo), 405 West Park Street, Blytheville, Arkansas 72315, filed in Docket No. CP78-245 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities used in the transportation of natural gas in interstate commerce and to cease rendering jurisdictional service, and Associated Natural Gas Co. (Associated), a wholly-owned subsidiary of Ark-Mo, whose business address is the same as Ark-Mo, filed for authorization in the instant docket pursuant to section 7(c) of the Natural Gas Act to acquire the jurisdictional facilities to be abandoned by Ark-Mo and to operate such facilities to transport natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that pursuant to authority granted by the Federal Power Commission (FPC) Ark-Mo operates and maintains approximately 263 miles of natural gas transmission lines, varying from 10¾-inch to 2⅜-inch O.D. in size, plus appurtenant facilities, to transport natural gas for resale for domestic, commercial and industrial purposes to approximately 27,783 customers in a number of cities, towns and villages, and areas adjacent thereto, located in southeast Missouri and northeast Arkansas. It is further indicated that in order to distribute natural gas, Ark-Mo operates approximately 588 miles of various size distribution lines. Ark-Mo also owns and operates a liquefied natural gas (LNG) facility located near Blytheville, Ark., it is said. Ark-Mo proposes to transfer the above-mentioned facilities by sale to Associated.

It is stated that Ark-Mo and Associated propose to reorganize their gas properties as a constructive step towards compliance with an order of the Securities and Exchange Commission (SEC) which has jurisdiction over Middle South Utilities, Inc. (MSU), and its direct and indirect subsidiaries, which form an integrated electric utility system including Ark-Mo and Associated, pursuant to the Public Utility Holding Company Act of 1935 (Holding Company Act). It is indicated that on May 5, 1971, the SEC issued its finding and opinion, and an accompanying order under the Holding Company Act which, in part, (i) approved the proposal of MSU to acquire the preferred and common stock of Ark-Mo and (ii) directed that MSU dispose of any direct or indirect interests in the gas properties of Ark-Mo and Associated.

The application states that in September 1976, Ark-Mo and Associated filed an application with the SEC under the Holding Company Act requesting authority for a program to reorganize the natural gas business of the two companies whereby Ark-Mo would transfer all of its gas properties to Associated. It is stated that such a transfer would consolidate in one corporate entity gas properties which, with the exception of isolated operations of Ark-Mo and Associated, are already operated as an integrated

system and would enable Associated, as an expanded gas corporation, to establish an operating record which would provide a basis for developing a plan for the eventual disposition of the securities of Associated held by Ark-Mo. It is indicated that on February 1, and February 4, 1977, the SEC issued orders granting Ark-Mo and Associated an exemption from the competitive bidding requirements on Rule 50 under the Holding Company Act to allow Ark-Mo and Associated to negotiate private placements of first mortgage bonds to finance, in part, the transfer of the gas properties from Ark-Mo to Associated. Ark-Mo and Associated state that they are now in the process of concluding negotiations for private placements of their first mortgage bonds and related financing arrangements.

Ark-Mo requests permission and approval to abandon pursuant to section 7(b) of the Natural Gas Act the facilities used in the transportation of natural gas in interstate commerce and to cease rendering jurisdictional service. Ark-Mo indicates that upon the issuance of the requisite authorization, it would dispose of its jurisdictional and non-jurisdictional gas properties in the manner provided in its purchase agreement with Associated, and that upon disposition of the gas properties, Ark-Mo would no longer be a natural-gas company within the meaning of the Natural Gas Act.

Associated requests authorization pursuant to section 7(c) of the Natural Gas Act to acquire the jurisdictional facilities to be abandoned by Ark-Mo and to operate such facilities to transport natural gas in interstate commerce. Associated indicates that the operation of all of Ark-Mo's facilities by Associated would be in the same manner as that now rendered by Ark-Mo and all jurisdictional and nonjurisdictional services presently rendered by Ark-Mo would be continued by Associated.

It is indicated that the financing arrangements to be undertaken for the transfer by Ark-Mo to Associated are as follows:

Ark-Mo subject to obtaining the requisite regulatory approvals, plans to issue and sell, through a negotiated private placement with institutional investors, $10,000,000 in principal amount of its first mortgage bonds. The net proceeds to be received by Ark-Mo from the issuance and sale of its first mortgage bonds will be applied by Ark-Mo, together with the cash proceeds from the sale of the Ark-Mo gas properties, to the purchase from Associated of a $4,000,000 subordinated note and 102,580 additional shares of Associated's common stock for a cash consideration of $2,800,000, and to the retirement of short-term bank borrowings estimated to aggregate $12,750,000 in principal amount at the time of closing.

For its part, Associated, subject to obtaining the requisite regulatory approvals, plans to issue and sell, through negotiated private placement with institutional investors, $7,000,000 in principal amount of its first mortgage bonds, and to issue and sell to Ark-Mo for cash a $4,000,000 subordinated note and 102,580 shares of its common stock for a cash consideration of $2,800,000. The aggregate net proceeds to be received by Associated from the issuance and sale of its first mortgage bonds and from the issuance and sale of its securities to Ark-Mo, as described above, will be used by Associated to purchase the Ark-Mo gas properties, to retire short-term bank borrowings in the principal amount of $2,750,000 and to provide Associated with additional working capital.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). 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 and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9448 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket No. RI78-33]

CALLERY PROPERTIES, INC.

Petition for Declaratory Order

APRIL 4, 1978.

Take notice that on February 17, 1978, Callery Properties, Inc. (Callery) filed a petition for a declaratory order pursuant to section 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR § 1.7(c)). Callery's petition seeks an order terminating a controversy or removing uncertainty with respect to whether a refund obligation exists regarding certain sales of natural gas from the Napoleonville Field, Assumption Parish, Louisiana to United Gas Pipe Line Corporation (United). The sales in question were made during the period beginning June 21, 1977 and ending January 1, 1978.

The sales were made pursuant to a contract dated March 29, 1954 between Francis A. Callery, Callery's predecessor in interest, and United. On November 26, 1974, Callery sold its interest in the Napoleonville Field to Petrol-Lewis Funds, Inc. (Petrol-Lewis), and such sale was retroactively effective to July 1, 1974. Callery alleges that it received a cash payment of $2,400,000, and that a production payment of $540,511 was turned over to a trustee. This production payment was to be payable out of any increase in gas price, up to the full contract price, attributed to the first 3,398,906 Mcf of working interest gas to be produced after July 1, 1974. Callery alleges that under the terms of the trust agreement it must certify that none of the funds subject to the retained production payment as subject to any refund obligation. It is for this purpose that Callery seeks a declaratory order stating that this sales is subject to no refund obligation.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9449 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket No. CP78-243]

COLORADO INTERSTATE GAS CO.

Application

APRIL 4, 1978.

Take notice that on March 20, 1978, Colorado Interstate Gas Co. (Applicant), P.O. Box 1087, Colorado Springs, Colo. 80944, filed in Docket No. CP 78-243 an 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 two 1,600-horsepower compressors and appurtenant equipment at Lakin Compressor Station in Kearny County, Kans., all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that the Lakin Compressor Station and the Lakin-to-Denver 20-inch main line were originally installed pursuant to the Federal Power Commission order of May 26, 1947, in Docket No. G-837, to transport gas purchased by Applicant in the Hugoton area of western Kansas. The application further states that these facilities were required to increase Applicant's total system capacity from 140,000 Mcf per day to 240,000 Mcf per day. Pursuant to authorization granted by the FPC on October 13, 1948 and September 13, 1949 in Docket Nos. G-1060 and G-1203, respectively, further compression was added to the Lakin Compressor Station increasing the total horsepower to 14,400, which is the present level, it is said. Applicant indicates that since that time, considerable compression has been added on the gathering systems which feed the Lakin Compressor Station, and that this has permitted the Station, without additional horsepower, to offset declining wellhead pressures and maintain and even increase the peak day and annual gas production from the Hugoton area. It is stated that since 1947, numerous wells have been drilled and connected to Applicant's Hugoton gathering systems, and that the bulk of these produce from the Chase formation although the deeper Council Grove formation has contributed many recent wells. To date in 1978 there have been 30 additional wells drilled to the Council Grove formation, it is said.

Applicant states that over the years new wells have offset the volumetric decline from the more mature wells, some of which have been producing since the late 1940's, and that the Hugoton area, through the Lakin Station, presently contributes in excess of 11 percent of the peak day and annual gas supply to Applicant's transmission system.

Applicant requests authorization to install and operate two 1,600-horsepower compressor units and ancillary equipment at a total estimated cost of $1,663,000. Applicant states that these units are necessary to reduce the suction pressure at the Lakin Station. It is stated that in order to maintain the present volume of peak day and annual gas supply from the Hugoton area to Applicant's transmission system, the gathering system operating pressures must be reduced. After some 30 years of production, the wellhead pressure of many wells on the Lakin Station gathering systems have declined to the point where Applicant's gas purchase obligations cannot be met, it is said. It is stated that in the past, gathering system pressure reductions have been achieved by the addition of field compression; however, most existing field compressors have reached their maximum compression ratio, rod-loading limitations, and compressor displacement capacity.

Applicant indicates that the proposed facility addition would assist in meeting the gas purchase contract obligations and provide Applicant's peak day and annual gas supply design requirements for at least the 1978-79 heating season. However, present preliminary studies indicate that as the wellhead pressures continue to decline additional revisions at the Lakin Compressor Station may be needed, it is said. Applicant states that these revisions may possibly include two-staging the Lakin Compressor Station as well as modifications to the auxiliary equipment. Any such proposal involving jurisdictional facilities would be the subject of a future application to the Commission, it is stated.

It is indicated that the total cost of the proposed facilities is estimated to be $1,663,000, which cost Applicant would finance from current funds on hand, funds from operations, short-term borrowings, or long-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 27, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9450 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket No. RP 72-6]

EL PASO NATURAL GAS CO.

Order Rejecting Without Prejudice Proposed Tariff Sheets

MARCH 31, 1978.

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.[1]

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) or (2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the

[1] The "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.

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 February 28, 1978, El Paso Natural Gas Co. (El Paso) tendered in Docket No. RP72-6 28 tariff sheets, for acceptance by the Commission as part of El Paso's FERC Gas Tariff, original Volume No. 1, Third Revised Volume No. 2 and original Volume No. 2A. The 28 sheets are purported by El Paso (1) to offer flexibility in the operation of its curtailment plan to accommodate aberrations in daily scheduling and/or deliveries due to human error or mechnical failure; (2) to clarify the availability of the waiver of daily unauthorized overrun payments; (3) to clarify that all daily unauthorized overrun penalties accrued during a season may be credited against seasonal unauthorized payments; and (4) to delete a provision that originally had only limited term applicability and that now is no longer applicable. El Paso requests the necessary waivers to permit these tariff sheets to become effective as of July 1, 1977. By this filing El Paso seeks to amend tariff sheets which are the subject of still other proposed amendments that are pending Commission consideration. We think this filing raises unnecessary and irreconcilable procedural difficulties and so we shall reject the instant tariff filing without prejudice to later refiling, as hereinafter explained.

By order dated June 1, 1977, in Docket No. RP72-6 El Paso was authorized to place into effect on July 1, 1977 a revised interim curtailment plan as prescribed in Commission Opinion No. 697 and its prodgeny.[2] On June 30, 1977 the U.S Court of Appeals, D.C. Circuit, acting upon petitions for review of Opinion No. 697, issued *City of Willcox et al.* v. *FPC* which remanded to the Commission certain aspects of Opinion No. 697. Following the City of Willcox remand the Commission issued an order on July 29, 1977, which, among other things, modified in accordance with the Court of Appeal's instructions El Paso's curtailment plan as established in Opinion No. 697.

Then in response to that July 29, 1977 order, El Paso proffered on September 28, 1977, through certification by the Presiding Judge in the proceeding in Docket No. RP72-6, certain amendments to its curtailment tariff.[3] In seeking such certification El Paso explained that the proposed tariff amendments were offered either in specific compliance with the Commission's July 29, 1977 order or as a necessary result of that order.[4] Subsequent to the certification several parties filed comments in opposition to various features of El Paso's tariff amendments. The adequacy of the tariff sheets and their compliance with prior Commission orders are under consideration by the Commission. Meanwhile, El Paso has filed the instant set of amendments to its curtailment plan alleging that its operating experience since July 1, 1977, has brought to its attention the need for revisions to the plan that the 90 amended sheets presently under review (the compliance filing) do not address.

While the instant filing purports to address matters relating to El Paso's currently effective curtailment plan not addressed in the compliance filing, there is, nevertheless, substantial overlap in the areas covered by each filing. Thus, in many cases both filings effect amendments to the same tariff sheets.[5] Yet El Paso has not indicated how these two concurrent amendment proposals should be reconciled with each other where they are not mutually consistent. In this regard El Paso notes in the instant filing that:

> there are currently pending before the Commission, certain proposed substitute tariff sheets that were intended, inter alia, to modify certain of the same tariff provisions that are herein proposed to be modified. In the event that said certified proposed tariff sheets should be made effective prior to the instant tender, El Paso will, at the time that the instant tender is accepted for filing, make an appropriate filing necessary to reflect the herein proposed tariff amendments in its then effective curtailment tariff provisions.

Unfortunately, El Paso fails to consider how the two tariff filings would be reconciled in the event the Commission acts first on the most recently filed tariff amendments. This is precisely the circumstance here since we have not yet completed action upon El Paso's compliance filing yet we are compelled to act upon the more recent filing at this time.[6]

Since the amendments in the compliance filing were not offered in contemplation of the instant tariff filing, any action to accept the instant filing would prejudice much if not all of the compliance filing. For example, the compliance filing propounds a revised Sheet No. 63-C which would amend in some respects the currently effective Sheet No. 63-C. However, the instant tender also offers certain changes in the form of a revised Sheet No. 63-C, which changes are predicated upon the form of the currently effective Sheet No. 63-C. If we first accept the instant-filed revised Sheet No. 63-C then the pending compliance-filed revised Sheet No. 63-C would make no sense. Thus, acceptance at this time of the instant tariff filing would necessitate rejection of the compliance filing as being deficient in form and would thereby negate our consideration to date of the compliance filing.

Moreover, the filing of new tariff proposals on top of other pending proposals has long been the subject of Commission interdict. Section 154.66(b) of our regulations (18 CFR 154.66(b)) precludes, absent waiver, changes in suspended tariffs. While El Paso's compliance filing is not, strictly speaking, under suspension, it nevertheless is a filing upon which no definite action has yet been taken by the Commission. To accept the instant filing would create the sort of uncertainty that the Commission, through that regulation, seeks to avoid:

> Unrestrained filing of changes upon changes would preclude orderly determination of issues and would be productive of uncertainty regarding the effective rates and charges, nullifying the definiteness and certainty which filing requirements are intended to afford consumers and other interested parties.[7]

Accordingly we shall reject the instant tariff filing as being deficient in form[8] without prejudice to it being refiled either after our decision on the compliance filing or otherwise in such form as to avoid the procedural morass with which we are presently confronted. Unlike the compliance filing, the instant filing was not indicated by El Paso to be severable, and so it must be rejected in its entirety. Since we anticipate prompt action upon El Paso's compliance filing and because El Paso's instant filing seeks retroactive effectiveness in any event, there is likely to be little or no prejudice to El Paso if it chooses to refile.

After due notice of the instant tariff filing by publication in the FEDERAL REGISTER (43 FR 11252) comments in opposition were filed by General Motors Corp.; Arizona Electric Power Cooperative, Inc., and city of Willcox; and ASARCO, et al. Their objections were all predicated on substantive grounds which we do not reach here. Nevertheless, we mention these com-

[2] However, the plan was made subject to such further modification as ultimately deemed necessary as a result of the ongoing proceeding in Docket No. RP72-6.

[3] The amendments proposed were considerable, necessitating the tender of 90 revised tariff sheets.

[4] Docket No. RP72-6 (Ignition fuel and flame stabilization) Tr. Vol. 12, pp. 1529-1530.

[5] There are 19 cases where the same tariff sheet is sought to be amended by both of El Paso's pending tariff amendment filings.

[6] The instant filing would take effect pursuant to section 4 of the Natural Gas Act, 15 U.S.C. § 717c, unless acted upon within 30 days of the date filed.

[7] Commission Order No. 159, issued March 6, 1951 promulgating section 154.66 (mimeo page 2).

[8] See, *Municipal Light Boards of Reading and Wakefield, Mass.* v. *FPC*, 450 F. 2d 1341, 1346 (D.C. Cir. 1971).

ments, for the obvious reason, to suggest that El Paso seek to reconcile the difficulties set forth in those objections in the event El Paso chooses to refile the tariff sheets herein rejected.

The Commission finds: El Paso's filing of February 28, 1978, is deficient in form.

The Commission orders: The proposed tariff sheets filed by El Paso on February 28, 1978, are rejected without prejudice to their being refiled after our decision on the pending compliance filing or otherwise in such form that does not conflict with pending tariff amendments.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9452 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket Nos. RP72-155 and RP77-18, PGA78-1 and AP78-1]

EL PASO NATURAL GAS CO.

Order Accepting for Filing and Suspending PGA Rate Increase Subject to Conditions

MARCH 31, 1978.

On March 1, 1978, El Paso Natural Gas Co. (El Paso) tendered for filing certain revised tariff sheets[1] incorporating proposed PGA rate increases to become effective on April 1, 1978. The proposed increases include a 12.92 cents per Mcf increase for sales by El Paso to its California customers and an increase of 11.60 cents per Mcf for sales to its east-of-California customers. In addition, El Paso proposes an increase of 3.7124 cents per Mcf for sales from a portion of its production system involving minor volumes.

The rate adjustments applicable to both the California and east-of-California customers consist of an increase of 8.45 cents per Mcf or $92.43 million annually in the current cost of purchased gas. The rate adjustment for the California customers reflects an increase of 4.51 cents per Mcf from 12.02 cents to 16.53 cents per Mcf in the surcharge to recover previously unrecovered purchased gas costs while the surcharge applicable to east-of-California customers is increased by 3.19 cents per Mcf from 9.00 to 12.19 cents per Mcf.

The 3.7124 cents per Mcf increase for production system sales consists of (1) a 4.5803 cents per Mcf increase in the cost of purchased gas, and (2) a 0.8679 cents per Mcf decrease in the surcharge.

The adjustment for transmission system sales also includes a 0.04 cents per Mcf reduction reflecting a $2,851,340 reduction in the balance in Account 166 "Advances for Gas Exploration, Development and Production" from $16,826,608 to $13,975,268. The cost of service impact is $394,911.

The $92.43 million increase in El Paso's current cost of purchased gas is attributable to (1) producer-supplier rate increases permitted by contract escalation provisions, (2) quarterly escalations permitted by Opinion 770-A, effective January 1 and April 1, 1978, (3) increases attributable to certain reversionary interest owners from whom El Paso is purchasing gas under contracts providing for rates equivalent to the national rate for production from wells commenced after January 1, 1975.

The increase does not reflect any emergency purchases pursuant to the Natural Gas Act at rates in excess of those established in Opinion No. 770-A. The increase does reflect (in the deferred account) ENGA purchases at a cost of $3,033,391. Such purchases do not exceed the 2 percent requirement prescribed in Order 7 of the Administrator. Order 7 permits a pipeline to seek Commission approval for the recovery of ENGA costs through its PGAC in such amounts are 2 percent or less of sales for the period. El Paso requests permission to recover these costs through its PGAC. Our review indicates that El Paso has already received Commission approval to recover such costs.[2] Consistent therewith the subject request is granted.

El Paso's proposed rates are also based, in part, upon purchases from certain reversionary interest owners[3] selling gas to El Paso under interim agreements providing for rates purportedly determined by such agreements as discussed further below. Approximately $720,000 is attributable to such purchases.

The Federal Power Commission in Docket Nos. CP75-209 and CI75-594, Opinion No. 737, (the "Southland" case) issued on July 11, 1975, held that the reversionary interest owners were subject to the dedication of natural gas to the interstate market by the original leaseholders. The leaseholders argued that the dedication of the subject gas to the interstate market ended with the reversion of the lease to them as the reversionary leaseholders.

In Opinion 737-A, issued September 3, 1975, the Federal Power Commission adopted certain "protective" orders for the preservation of the parties' positions. The FPC also noted the existence of interim agreements between El Paso and the reversionary interest owners which state that the rate paid by El Paso for any gas delivered by the reversionary interest owner during the pendency of that proceeding before the Commission and in the courts would be the higher of:

1. An initial rate which shall consist of the sum of 76.5 cents/Mcf plus 1.5 cents/Mcf for gathering plus reimbursement for all existing and any new or increased production, severance, or similar taxes, which initial rate shall be adjusted proportionately upward or downward as the total gross heating value of such gas varies from one thousand (1,000) Btu per cubic foot (saturated with water vapor at 60°F. and 14.73 Psia), provided, further, that such initial rate shall be increased by 1.5 cents/Mcf per annum on January 1 of each year hereafter; or

2. One hundred fifty percent of the just and reasonable national rate, including all permitted escalations, reimbursements and redeterminations, as prescribed by the Commission from time to time in Docket R-389-B, or any successor proceeding involving the establishment of just and reasonable national rates; or

3. Any rate higher than that specified elsewhere in this paragraph which El Paso shall, as a consequence of legislative, regulatory, or judicial action or otherwise, become permitted to pay producers such as Southland.

These terms were never epxressly adopted by the F.P.C. They do, however, constitute the terms of the parties' agreement with respect to the appropriate rate level. The terms of the above referenced letter are still in effect.

The issue of the rights and duties of the reversionary interest owners is still before the Supreme Court. Any rate approved by this Commission must therefore be subject to refund pending the outcome of this litigation. For this reason we will suspend the filed-for rates.

Our review of El Paso's filing also indicates that El Paso has not provided sufficient information to allow us to conclude that the filed-for rates for the "Southland" deliveries comply with the terms of the interim agreements discussed above. For this reason we shall require El Paso to file information showing that the rates currently being paid by El Paso to the re-

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[1] First Substitute Twenty-First Revised Sheet No. 3B to El Paso's Gas Tariff, Original Volume No. 1; Eleventh Revised Sheet No. 1-D to Third Revised Volume No. 2; and First Substitute Thirteenth Revised Sheet No. 1-C and Ninth Revised Sheet No. 1-D to Original Volume No. 2A.

[2] Commission order issued October 21, 1977, in Docket No. RP72-154 (PGA 77-3) accepted El Paso's semi-annual PGA filing effective October 2, 1977. Such order, among other things, permitted El Paso to recover therein applicable deferred ENGA costs incurred during the period February 1 through June 30, 1977. The ENGA costs contained herein reflect only the final July amounts attributable to such purchases. These purchases were approved by the Administrator and were permitted prior PGA recovery by said Commission order.

[3] Due to termination of leases, certain leaseholders selling gas to El Paso lost their leases and their rights passed to the reversionary interest owners.

versionary interest owners for the "Southland" deliveries are in conformance with the interim agreements.

As noted above, the portion of El Paso's filing other than amounts associated with the "Southland" deliveries are just and reasonable and should be approved. Accordingly, we shall permit El Paso to file revised tariff sheets to become effective as of April 1, 1978, without refund obligation reflecting those costs in its filing other than those amounts associated with the "Southland" deliveries.

The Commission orders. (A) El Paso's proposed PGA rates are accepted for filing and suspended for one day, or until April 2, 1978, when they shall be permitted to become effective, subject to refund, subject to the conditions set forth in Ordering Paragraph (B) below.

(B) Within 15 days of the date of issuance of this order, El Paso shall file with this Commission information showing that the rates currently being paid by El Paso to reversionary interest owners meet the terms of the interim agreements between El Paso and the reversionary interest owners discussed in Opinion Nos. 737-A and 737-B. Following receipt and review of such information, the Commission shall take such further action as may be appropriate.

(C) El Paso shall be permitted to file revised PGA rates to become effective April 1, 1978, without refund obligation, excluding amounts for gas purchases paid to reversionary interest owners in excess of the amount paid to the prior leaseholders.

(D) El Paso is permitted to flow through by means of its PGA rates the costs associated with its ENGA purchases.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9453 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket No. RI78-35]

GULF OIL CORP.

Petition for Special Relief

APRIL 3, 1978.

Take notice that Gulf Oil Corp. (Gulf), P.O. Box 2100, Houston, Tex. 77001, filed, on February 17, 1978, a petition for special relief pursuant to 18 CFR § 2.76.

Gulf requests a total rate of 58.8295 cents per Mcf at 14.73 psia for Bessie Well No. 1, Northwest Lovedale Field, Harper County, Okla. Gulf is presently making this sale to Cities Service Gas Co. pursuant to a contract executed August 20, 1964, under its Certificate Docket No. CI65-406 and Rate Schedule No. 280 at the rate of 25.0546 cents per Mcf at 14.73 psia. Gulf states that in order to continue production of gas from this well, it proposes to install a two state 80 horsepower compressor at a total cost of $52,000.00, $10,524.00 being the share thereof assigned to Gulf's interest in the Bessie Well No. 1.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing herein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9451 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket No. CP78-250]

MICHIGAN GAS STORAGE CO.

Application

APRIL 4, 1978.

Take notice that on March 23, 1978, Michigan Gas Storage Co. (Applicant), 212 West Michigan Avenue, Jackson, Mich. 49201, filed in Docket No. CP78-250 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon plant 1 Muskegon River Field compressor station and related metering and appurtenant facilities located in Winterfield Township, Clare County, Mich., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that said facilities were certificated by the Federal Power Commission in Docket No. G-731 on December 3, 1946, and have, since construction, been used for gas compression and dehydration in connection with gas storage and transmission. Applicant further states that the proposed facilities are no longer necessary to its gas storage and transmission system, and that during the last 12 years the subject facilities have been placed in operation only once, and that was only for a 4-hour period in March 1965. The retirement proposed herein would relieve Applicant of the cost of maintaining the facilities without affecting its gas storage and transmission operations, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirement 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 section 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 permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unneccessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78—9454 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket No. TC78-3]

NORTHERN NATURAL GAS CO.

Petition for Extraordinary Relief

APRIL 4, 1978.

Take notice that on March 24, 1978, Northern Natural Gas Co. (Petitioner), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. TC78-3 a petition for extraordinary relief pursuant to section 1.7(b) of the Commission's rules of practice and procedure seeking authorization to provide natural gas service to its existing utility customers in accordance with its presently effective Agricultural Crop drying Service Rate Schedule ACDS-1.

Petitioner seeks authorization to make available, on a best efforts basis, volumes of gas for the drying of seed, grain, and other agricultural crops during a 12-month period commencing with the expiration of the current authorized period in Docket No. RP77-52, all as more fully set forth in the petition on file with the Commission and open to public inspection.

It is indicated that pursuant to the Federal Power Commission's order of July 20, 1977, Petitioner was granted extraordinary relief permitting it to provide natural gas service to its existing utility customers for a 12-month period pursuant to Rate Schedule ACDS-1. Petitioner states that the service that it is requesting in the instant docket is similar to the services authorized by the Federal Power Commission in Docket No. RP77-52.

Petitioner estimates that it would have available for sale under its ACDS-1 Rate Schedule a total of 750,000 Mcf of natural gas for the period September 15, 1978, through March 15, 1979. Petitioner states that under normal operating conditions, it is anticipated that no ACDS-1 volumes would be required during the remaining 6 months. However, it is felt such volumes should be made available in the event crop drying is needed, it is said. It is stated that volumes under ACDS-1 would be made available by Petitioner on a best efforts basis pursuant to advanced operating arrangements on a daily basis.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 18, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9455 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket No. RI78-36]

RIC-DELTA 1973 LTD. PARTNERSHIP

Petition for Special Relief

APRIL 3, 1978.

Take notice that on March 6, 1978, RIC-Delta 1973 Ltd. Partnership (Petitioner) 2080 First of Denver Plaza, Denver, Colo. 80202, filed a petition for special relief in the above-captioned docket pursuant to section 2.56a(a)(3) of the Commission's rules of general policy and interpretations for gas sold from the Bravo-Hart No. 1 Well (BH No. 1), Hansford County, Tex., to Panhandle Eastern Pipeline Co. (Panhandle Eastern). The well was initially spudded prior to January 1, 1973, but was re-entered during the period between January 1, 1973, and January 1, 1975.

Petitioner seeks special relief for alleged economic reasons in the form of approval of a 93 cents per Mcf rate, subject to adjustment as provided in opinion No. 770-A and the 30 percent increment authorized in opinion No. 742, as amended, for small producers. Petitioner seeks the above rate effective as of July 27, 1976, in lieu of 53 cents per Mcf, subject to adjustment. The above 93 cents rate was collected by Petitioner prior to November 1, 1977, but since then it has collected 53 cents, subject to adjustment.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any part wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9456 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket No. CP78-248]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Application

APRIL 4, 1978.

Take notice that on March 22, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Tex. 77001, filed in Docket No. CP78-248 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 10,000 Mcf of natural gas per day for United Gas Pipe Line Co. (United), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to render a transportation service for United pursuant to a gas transportation agreement dated March 17, 1978, between the parties. Applicant proposes to transport for United, through Applicant's existing facilities, natural gas produced in Colorado County, Tex., which gas United purchases from Cotton Petroleum Co. (Cotton Petroleum) and Cities Service Gas Co. (Cities Service). It is stated that United would deliver, or cause to be delivered, such gas to Applicant at a proposed point of interconnection on Applicant's pipeline at Mile Post 17C-801 plus 7.46 miles in the T. J. Evans Survey No. 900, Abstract A-787, located in Colorado County. Applicant states that it would redeliver equivalent volumes, adjusted for processing plant fuel and shrinkage and for Applicant's fuel and use requirements to United at an existing point of interconnection of United's 18-inch line and Applicant's compressor station No. 47, near West Monroe, Ouachita Parish, La.

The application states that United would pay Applicant each month for the proposed transportation service: (1) a demand charge to be determined by multiplying 89.0 cents by the transportation quantity, and (2) a volume charge equal to 11.4 cents per Mcf multiplied by: (a) the total volumes delivered during such month, or (b) the number of days in said month multiplied by 66⅔ of the transportation quantity, whichever is greater, plus a charge of 2.93 cents for the transportation of any volumes in excess of the transportation quantity as provided therein. Applicant indicates that it would retain, for its fuel and use requirements, a daily volume of natural gas equal to 2.2 percent of the volume received by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Com-

mission 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. 78-9457 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket No. CP78-246]

TEXAS GAS TRANSMISSION CORP.

Application

APRIL 4, 1978.

Take notice that on March 21, 1978, Texas Gas Transmission Corp. (Applicant), P.O. Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP78-246 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 245 Mcf of natural gas per day, on an interruptible basis, for Tar Heel Energy Corp.; NCNG Exploration Corp.; Delmarva Energy Co.; Piedmont Exploration Co., Inc.; Rockingham Exploration Co.; U.C.G. Energy Corp.; and Eastern Shore Natural Gas Co. (Customers), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport volumes of natural gas, on an interruptible basis, for Customers pursuant to a transportation service agreement dated February 24, 1978, between Applicant and Customers. Applicant states that such gas would be delivered to it through existing facilities owned by Applicant on Applicant's Jefferson Island 4-inch pipeline located near Delcambre, Iberia Parish, La., and that Applicant would simultaneously redeliver volumes of natural gas received for Customers up to 245 Mcf per day at 14.73 psia to Transcontinental Gas Pipe Line Corp. (Transco) at an existing exchange point with Transco located near Mamou, Evangeline Parish, La., or at such other mutually agreeable existing points of exchange between Applicant and Transco.

It is stated that the proposed transportation service would be for a 2-year period commencing on the day of initial deliveries and on a year-to-year basis thereafter. The application indicates that Customers or their affiliated distribution Companies are in dire need of additional volumes of natural gas due to the curtailment by their traditional source. It is further indicated that Transco would deliver the appropriate volumes to the affiliated distribution company.

Applicant states that it would retain a volume equal to 0.55 percent of the volume of gas received as makeup for compressor fuel and line loss, which percentage was calculated on an incremental basis for pipeline throughput to and within the rate zone in which the delivery by Applicant would be made i.e. Zone SL, and that it would also collect and initial charge of 5.77 cents per Mcf (at 14.73 psia) for all quantities of natural gas transported and delivered to Transco for the account of Customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission 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 of be répresented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9458 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket No. CP77-446]

UNITED GAS PIPE LINE CO.

Petiton to Amend

APRIL 4, 1978.

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.

Take notice that on March 21, 1978, United Gas Pipe Line Co. (Petitioner), P.O. Box 1478, Houston, Tex. 77001, filed in Docket No. CP77-446 a petition to amend the order of December 20, 1977 (57 FERC —) issued in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize Petitioner to render farm tap service for Mrs. Ruby Wait Jorden (Jorden), a previous customer of Shell Oil Co. (Shell), located in the area of Calcasieu Parish, La., all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

The petition states that Petitioner indirectly serves Iowa, La. (town of Iowa), by selling gas to the town of Iowa's distributor Entex, Inc. (Entex),

pursuant to the terms and conditions of a service agreement dated November 17, 1971, which agreement is presently in effect between Petitioner and Entex. It is further stated that pursuant to the subject service agreement, Petitioner sells to Entex volumes of natural gas up to a maximum daily quantity (MDQ) of 1,092 Mcf of gas as a supply for the town of Iowa, such gas being purchased by Petitioner from Shell Oil Co. (Shell) from production in the nearby Iowa Field. It is stated that due to a decline in production in Iowa Field, Shell has advised Petitioner that gas from Iowa Field would no longer be available as a supply source for the town of Iowa.

Petitioner indicates that pursuant to the FPC order of December 20, 1977, it was authorized in the instant docket to construct and operate 3.1 miles of 3¼-inch pipeline extending from Petitioner's existing 12-inch Iowa Field line to the Iowa Town Border Station in Calcasieu Parish, La., in order for Petitioner to continue providing gas supply to the distributor, Entex.

Petitioner states that it has been requested by Entex to provide far tap service to Jorden, who heretofore has received gas service from Shell. Petitioner indicates that it has been advised that such service is being cancelled by Shell to coincide with the completion of the facilities being constructed by Petitioner as authorized in this docket, and that Jorden now seeks to obtain gas service from Entex. Entex advised Petitioner that the farm tap service proposed herein can be supplied from within the annual volumetric limitations which may be established for its purchases from Petitioner by the Commission, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 27, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulation 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9459 Filed 4-7-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. ER77-531]

ILLINOIS POWER CO.

Order Granting Motion, Waiving Regulations and Accepting for Filing and Suspending Proposed Rate Increase

MARCH 30, 1978.

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 July 29, 1977, the Illinois Power Co. (IP) tendered for filing a proposed rate increase to three wholesale customers; the Village of Ladd, the City of Oglesby, and Cedar Point Light and Water Company. By order issued September 23, 1977, the Commission accepted for filing and suspended the proposed increase for five months to become effective March 1, 1978, subject to refund. In addition, the order prescribed hearing procedures.

On February 28, 1978, IP filed in this docket a Motion For An Order Granting Leave To Collect A Rate Level Different From That Provided In A Filed Rate Schedule. In support thereof, IP states that a settlement conference was held in this case on February 8, 1978, and that a schedule was established for exchange of information with another settlement conference to be held on April 4, 1978. It represents that it is forwarding a settlement offer to the three customers affected by the proposed increase in this proceeding. Pending a resolution of the issues in this docket by settlement or by a final order of the Commission, IP proposes to charge the customers the amount which it would recover under its settlement proposal, subject to refund with interest.

IP states that the rates contained in its offer of settlement would reduce its filed rate increase from $176,479 to $83,864 based on estimated usage of the customers for the 12 months ending September 30, 1978 (Period II). Appended to its motion are Schedules A and B. Schedule A is the rate schedule that it proposes to file should its settlement offer be acepted. Schedule B is a revenue comparison showing IP's calculated effect of the filed rates which became effective on March 1, 1978, and the rates it proposes to collect in lieu of the originally filed rates.[1]

The Commission finds good cause to grant IP's motion. Allowing IP's requested rates to become effective subject to refund will significantly reduce the magnitude of the proposed increase to apply to the costomers in this proceeding. Consequently, good cause also exists to waive the 30 day notice requirement of § 35.3. and the filing requirements of § 35.13 of the Commission's regulations.

The Commission construes IP's filing as a motion for authority to substitute its proposed rate schedule containing the lower rate for the rate schedule it initially filed on July 29, 1977, for wholesale service to the Village of Ladd, the City of Oglesby, and Cedar Point Light and Water Co. The $83,864 rate will be accepted for filing and suspended for one day to become effective as of March 1, 1978, subject to refund, and will constitute IP's requested rate increase in this docket.

The Commission finds: (1) Good cause exists to grant IP's motion.

(2) Good cause exists to waive §§ 35.3 and 35.13 of the Commission's regulations.

The Commission orders: (A) IP's motion is hereby granted.

(B) Within fifteen (15) days of the issuance of this order, IP shall file with the Commission, a revised rate schedule reflecting the reduction in the proposed increase from $176,479 to $83,864.

(C) The Commission hereby waives §§35.3 and 35.13 of its Regulations.

(D) IP's revised rates are hereby accepted for filing and suspended for one day, to become effective March 1, 1978, subject to refund.

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

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] Appended hereto as an attachment.

[Schedule B]

ILLINOIS POWER CO.—*Revenue comparison between filed and settlement rates for the 12 months ending Sept. 30, 1978*

Summary Sheet

Line No.	Customers	Total billing kilovoltamperes	Total kilovolthours	Filed rate	Settlement rate	Decrease	
						Amount	Percentage
	(Col. 1)	(Col. 2)	(Col. 3)	(Col. 4)	(Col. 5)	(Col. 6)	(Col. 7)
1	Cedar Point Light and Water Co.	6,428.6	1,836,385	$53,702.18	$47,916.44	$5,785.74	10.8
2	Village of Ladd	23,293.8	5,037,369	159,621.85	138,657.35	20,964.50	13.1
3	City of Oglesby	73,183.1	17,043,390	513,876.93	448,012.14	65,864.79	12.8
4	Total	102,905.5	23,917,144	727,200.96	634,585.93	92,615.03	12.7

Cedar Point Light and Water Co.

Line No.	Month	Filed rate			Settlement rate			Decrease	
		Billing kilovolt-amperes	Kilowatt-hours	Bill amount	Billing kilovolt-amperes	Kilowatt-hours	Bill amount	Amount	Percent
	(Col. 1)	(Col. 2)	(Col. 3)	(Col. 4)	(Col. 5)	(Col. 6)	(Col. 7)	(Col. 8)	(Col. 9)
1	October	525.4	153,560	$4,286.22	525.4	153,560	$3,813.36	$472.86	11.0
2	November	525.4	206,525	4,957.85	525.4	206,525	4,484.99	472.86	9.5
3	December	525.4	172,225	4,911.69	525.4	172,225	4,438.83	472.86	9.6
4	January	525.4	184,103	4,894.90	525.4	184,103	4,422.04	472.86	9.7
5	February	525.4	131,502	4,114.30	524.4	131,502	3,641.44	472.86	11.5
6	March	524.4	131,502	4,236.59	525.4	131,502	3,763.73	472.86	11.2
7	April	525.4	132,350	4,177.56	525.4	132,350	3,704.70	472.86	11.3
8	May	525.4	138,289	4,161.01	525.4	138,289	3,688.15	472.86	11.4
9	June	525.4	156,954	4,433.71	525.4	156,954	3,960.85	472.86	10.7
10	July	586.2	157,675	4,886.45	586.2	157,675	4,358.87	527.58	10.8
11	August	556.9	147,876	4,487.66	556.9	147,876	3,986.45	501.21	11.2
12	September	556.9	123,824	4,154.24	556.9	123,824	3,653.03	501.21	12.1
13	Total	6,428.6	1,836,385	53,702.18	6,428.6	1,836,385	47,916.44	5,785.74	10.8

Village of Ladd

1	October	1,903.8	345,133	$11,863.79	1,903.8	345,133	$10,150.37	$1,713.42	14.4
2	November	1,903.8	391,037	12,507.38	1,903.8	391,037	10,793.96	1,713.42	13.7
3	December	1,908.8	452,242	14,177.22	1,903.8	452,242	12,463.80	1,713.42	12.1
4	January	1,903.8	493,046	14,257.52	1,903.8	493,046	12,544.10	1,713.42	12.0
5	February	1,903.8	389,337	12,619.63	1,903.8	389,337	10,906.21	1,713.42	13.6
6	March	1,903.8	353,634	12,513.64	1,903.8	353,634	10,800.22	1,713.42	13.7
7	April	1,903.8	328,131	12,002.12	1,903.8	328,131	10,288.70	1,713.42	14.3
8	May	1,903.8	382,536	12,437.34	1,903.8	382,536	10,723.92	1,713.42	13.8
9	June	1,903.8	440,342	13,267.29	1,903.8	440,342	11,553.87	1,713.42	12.9
0	July	2,124.0	596,356	16,689.57	2,124.0	596,356	14,777.89	1,911.68	11.5
1	August	2,017.8	499,847	14,525.73	2,017.8	499,847	2,709.71	1,816.02	12.5
2	September	2,017.8	365,728	12,760.62	2,017.8	365,728	10,944.60	1,816.02	14.2
3	Total	23,293.8	5,037,369	159,621.85	23,293.8	5,037,369	138,657.35	20,964.50	13.1

City of Oglesby

1	October	5,977.4	1,310,400	$39,632.91	5,977.4	1,310,400	$34,253.25	$5,379.66	13.6
2	November	5,977.4	1,260,000	39,416.19	5,977.4	1,260,000	34,036.53	5,379.66	13.6
3	December	5,977.4	1,600,200	46,788.56	5,977.4	1,600,200	41,408.90	5,379.66	11.5
4	January	5,977.4	1,386,000	42,432.63	5,977.4	1,386,000	37,052.97	5,379.66	12.7
5	February	5,977.4	1,247,400	39,691.12	5,977.4	1,247,400	34,311.46	5,379.66	13.6
6	March	5,977.4	1,209,600	40,355.65	5,977.4	1,209,600	34,975.99	5,379.66	13.3
7	April	5,977.4	1,247,400	40,177.61	5,977.4	1,247,400	34,797.95	5,379.66	13.4
8	May	5,977.4	1,386,000	41,018.91	5,977.4	1,386,000	35,639.25	5,376.66	13.1
9	June	5,977.4	1,461,600	42,387.77	5,977.4	1,461,600	37,008.11	5,376.66	12.7
10	July	6,670.0	2,090,340	55,062.41	6,670.0	2,090,340	49,059.41	6,003.00	10.9
11	August	6,380.0	1,547,910	45,288.05	6,380.0	1,547,910	39,546.05	5,742.00	12.7
12	September	6,336.5	1,296,540	41,625.12	6,336.5	1,296,540	35,922.27	5,702.85	13.7
13	Total	73,183.1	17,043,390	513,876.93	73,183.1	17,043,390	448,012.14	65,864.79	12.8

[FR Doc. 78-9179 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket Nos. CI61-1147, etc.]

SUN OIL CO., ET AL.

Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

MARCH 30, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft³	Pressure base
CI6 -1147, D, Mar. 17, 1978	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., various fields, various counties, Oklahoma.	(1)	
CI68-976, D, Apr. 18, 1977	Pioneer Production, Corp., P.O. Box 2542, Amarillo, Tex. 79105.	Michigan Wisconsin Pipe Line Co., Beaver County, Okla.	Depletion of gas in paying quantities.	
CI74-184, C, Mar. 21, 1978	Pan Eastern Exploration Co., P.O. Box 1642, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., certain acreage in Roger Mills County, Okla.	(2, 3)	14.65
CI75-52, C, Feb. 21, 1978	Philadelphia Oil Co., 420 Boulevard of the Allies, Pittsburgh, Pa. 15219.	Kentucky West Virginia Gas Co., certain acreage in Dickenson County, Va.	(2, 3)	14.73
CI77-483, C, Mar. 20, 1978	CIG Exploration, Inc. (successor in interest to Gas Producing Enterprises, Inc.), 5 Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., Natural Buttes Unit, Unitah County, Utah.	(3)	14.73
CI78-33, C, Feb. 16, 1978	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	El Paso Natural Gas Co., State E. R. Com No. 1 Well, Atoka Formation, sec. 6, T19S, R29E, Eddy County, N. Mex.	(4)	14.65
CI78-289, A, Dec. 22, 1977	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Northern Natural Gas Co., a portion of block A-532 in High Island South addition, offshore, Texas.	(5)	14.65
CI78-559, A, Mar. 14, 1978	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	Michigan Wisconsin Pipe Line Co., Ferguson-Hoelker No. 1 well, located in sec. 33-T15N-R17W, Custer County, Okla.	(5)	14.65
CI78-560, A, Mar. 13, 1978	Cities Services Co. (successor to Cities Service Oil Co.), P.O. Box 300, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., Cooper "A" No. 1 well, sec. 30-4N-15ECM, Texas County, Okla, limited to the base of the Chase Group down to the base of the Chester Group.	(5)	14.65
CI78-561, A, Mar. 15, 1978	Transco Exploration Co., P.O. Box 1396, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., High Island and West Cameron area, Block A-368 Field, Gulf of Mexico.	(5)	15.025
CI78-562, (CI71-708), B, Mar. 15, 1978	ONG Exploration, Inc., 624 South Boston Ave., Tulas, Okla. 74119.	Northern Natural Gas Co., Parnell South—Morrow—Basal Field, Ochiltree County, Tex.	Depleted, leases expired, plugged and abandoned.	
CI78-563, A, Mar. 17, 1978	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex 77001.	Transcontinental Gas Pipe Line Corp., South Marsh Island Block 130/131 Field, Offshore, Louisiana.	(5)	15.025
CI78-564, A, Mar. 17, 1978	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Northern Natural Gas Co., Hinnkhouse "A" No. 1 well, NE/4 of sec. 7-33S-20W, Commanche County, Kans., limited to production from the Morrow Formation.	(5)	14.65
CI78-565, (CI63-797), F, Mar. 15, 1978	Sohio Natural Resources Co., 50 Penn Place, suite 1100, Oklahoma City, Okla. 73118.	Michigan Wisconsin Pipe Line Co., Farris Unit, sec. 21-17N-17W, Howell Unit, sec. 29-17N-17W, Gore Unit, sec. 31-17N-17W and Wells Unit sec. 30-17N-17W, Dewey County, Okla.	(2, 5)	14.65
CI78-566, B, Mar. 20, 1978	Joseph Oil Corp., 55 Broad St., room 1900, New York, N.Y. 10004.	Mountain Fuel, South Baggs, Carbon County, Wyo.	Ceased production, leases returned, plugged and abandoned.	
CI78-567, (G-12332), B, Mar. 13, 1978	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., Sentell Field, Bossier Parish, La.	Contract terminated Jan. 3, 1975; all leases surrended, plugged and abandoned.	
CI78-568, (G-10354), B, Mar. 13, 1978	Atlantic Richfield Co	Tennessee Gas Transmission Co., West Mission, Hidalgo, Tex.	(6)	

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft³	Pressure base
CI78-569, A, Mar. 20, 1978	Shell Oil Co	Transcontinental Gas Pipe Line Corp., South Marsh Island Block 106 Field, Offshore, Louisiana.	(²)	15.025
CI78-570, A, Mar. 20, 1978	Prosper Energy Corp., (successor in interest to Hunt Oil Co.), 2900 1st National Bank Bldg., Dallas, Tex. 75202.	Michigan Wisconsin Pipe Line Co., Ship Shoal (south addition) Blocks 290 and 291, Offshore, Louisiana.	(⁷)	15.025
CI78-571, A, Mar. 20, 1978	Atlantic Richfield Co	Northern Natural Gas Co., Killebrew-Morrow Field, Roberts County, Tex.	(²)	14.65
CI78-572, A, Mar. 20, 1978	Prosper Energy Corp., (successor in interest to Hunt Oil Co.).	Michigan Wisconsin Pipe Line Co., Grand Isle Block 24 (State Lease 3523), La Fourche Parish, Offshore, Louisiana.	(⁸)	15.025
CI78-575, A, Mar. 21, 1978	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Mountain Fuel Supply Co., certain acreage located in the Yellow Creek Field, Uinta County, Wyo..	(²)	15.025

[1]The Harvey Classen Lease (S-31358) was renewed as the James Smith Unit No. 1 (S-62677) and was plugged and abandoned Sept. 21, 1970. There is no other production holding the lease.

[2]Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.

[3]Seller and purchaser are affiliated.

[4]Applicant is filing under Gas purchase Agreement dated Sept. 27, 1977 amended by amendment dated Dec. 16, 1977.

[5]Sohio acquired interest in the mentioned property through assignments of oil and gas leasehold interest from S. J. Sarkeys made subject to the Gas Purchase Contract dated July 30, 1962. Thereafter Sohio's gas was and currently is being sold pursuant to the authority granted to Petroleum, Inc., in Docket No. CI63-797.

[6]Gas Sales Agreement expired Oct. 1, 1975. All remaining leases after August 11, 1967 assignment covered under contract and rate schedule 151 were surrended by September, 1971.

[7]Applicant requests a Certificate of Public Convenience and Necessity authorizing the continuation of sale of 50 pct of natural gas covered under Gas Sales Contract dated Dec. 8, 1976 and previously authorized to predecessor in Docket No. CI77-257, to be effective as of Jan. 1, 1978.

[8]Applicant requests a Certificate of Public Convenience and Necessity authorizing the continuation of sale of natural gas, previously authorized to predecessor in Docket No. CI66-352, to be effective as of Jan. 1, 1978.

Filing code:

A—Initial service.
B—abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc. 78-9180 Filed 4-7-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket Nos. RP76-10, etc.]

ARKANSAS-LOUISIANA GAS CO. ET AL.

Filing of Pipeline Refund Reports and Refund Plans

APRIL 3, 1978.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before April 19, 1978. Copies of the respective filings are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Docket No.	Company	Type filing
July 18, 1977	RP76-10	Arkansas Louisiana Gas Co	Report.
Aug. 5, 1977	RP76-31	Ideal Basic Industries	Do.
Aug. 12, 1977	G-12706	Texas Eastern Trans. Corp	Do.
Aug. 16, 1977	RP73-94	Valley Gas Transmission, Inc	Do.
Aug. 23, 1977	RP72-157	Consolidated Gas Supply Corp	Do.
Aug. 25, 1977	RP74-25	Texas Gas Transmission Corp	Do.
Sept. 1, 1977	RP76-136	Transcontinental Gas Pipe Line Corp	Do.
Sept. 6, 1977	AR70-1	Natural Gas Pipeline Co. of America	Plan.
Do	RP75-104	National Fuel Gas Supply Corp	Report.
Sept. 8, 1977	RP75-73	Consolidated Gas Supply Corp	Plan.
Oct. 6, 1977	RP76-87	Inter-City Minnesota P/L Ltd., Inc	Report.
Oct. 11, 1977	G-2017, et al.	Texas Gas Transmission Corp	Do.
Oct. 13, 1977	RP76-4	National Fuel Gas Supply Corp	Do.
Oct. 17, 1977	RP70-6, et al.	Lawrenceburg Gas Transmission Corp	Do.
Oct. 19, 1977	RP67-9	El Paso Natural Gas Co	Plan.
Nov. 10, 1977	RP77-130	Transcontinental Gas Pipe Line Corp	Report.
Nov. 29, 1977	AR61-2	Texas Gas Transmission Corp	Plan.
Dec. 7, 1977	RP76-97	Gulf Energy & Development Corp	Report.
Feb. 13, 1978	RP75-86	Northern Natural Gas Co	Do.
Mar. 6, 1978	AR67-1, et al.	Southern Natural Gas Co	Plan.

[FR Doc. 78-9464 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket No. RP78-23]

MIDWESTERN GAS TRANSMISSION CO.

Extension of Time

MARCH 31, 1978.

On March 27, 1978, Staff Counsel filed a motion to extend the time for serving top sheets in the above referenced proceeding, pursuant to Commission Order issued December 30, 1977.

Upon consideration, notice is hereby given that an extension of time is granted to and including May 1, 1978, within which Staff Counsel shall serve top sheets on all parties. Pursuant to Ordering Paragraph (E) of the December 30, 1977 Order, a Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge shall convene a settlement conference within 10 days after the service of top sheets. All further procedural dates will be established by the Presiding Administrative Law Judge.

KENNETH F. PLUMB
Secretary.

[FR Doc. 78-9465 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket No. RI78-5]

ELMS BROTHERS & CO.

Petition for Special Relief

MARCH 31, 1978.

Take notice that on November 1, 1977, Elms Brothers & Co. (Petitioner), 234 East Greene Street, Waynesburg, Pa. 15370, filed on Docket No. RI78-5 a petition for special relief pursuant to § 2.76 of the Commission's general policy and interpretations (18 CFR 2.76). Petitioner seeks to collect a rate of $1.14 per Mcf for the sale of natural gas to Columbia Gas Transmission Corp. from the Scott Well located in Greene County, Pa. Petitioner indicates that the proposed rate increase is necessary in order for Petitioner to rework and overhaul the well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 12, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to the proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9460 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket No. ER78-174]

MISSOURI EDISON CO.

Order Accepting for Filing and Suspending Proposed Increased Rate Schedule

MARCH 27, 1978.

On January 4, 1978, Missouri Edison Co. (Missouri) submitted for filing proposed revised rates [1] for electric service to the City of Clarksville, Mo., its only wholesale customer. The proposed charges would result in additional revenue of $16,436 (15.71 percent) for the 12-month period succeeding the proposed effective date of March 28, 1978.

Missouri states that the primary reason for this rate filing is to pass on the increased purchase power costs which Missouri will incur as a result of Union Electric Co.'s (Union) [2] rate increase filing with the Commission in Docket No. ER77-614. Union's filing was suspended until March 28, 1978, when it will become effective subject to refund. That filing is the subject of an investigation and hearing in Docket No. ER77-164 and its outcome will have a direct effect on the rates proposed by Missouri.

Notice of Missouri's filing was issued on January 10, 1978, with responses due on or before January 23, 1978. No responses have been received.

Commission review of Missouri's filing for increased rates indicates that such rates have not been shown to be lawful and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, the Commission will accept Missouri's proposed rate increase schedule for filing and suspend the same for 1 day to become effective, subject to refund on March 29, 1978, with the final rate to be subject to the outcome of the proceedings in Docket No. ER77-614.

The Commission finds: Good cause exists to accept for filing and suspend the effectiveness of Missouri's rate schedule as hereinafter ordered.

The Commission orders: (A) Missouri's proposed rate schedule filed herein on January 4, 1978, is hereby accepted for filing, and suspended for 1 day, to become effective March 29, 1978, subject to refund, pending the outcome of proceedings in Docket No. ER77-614. (B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9461 Filed 4-7-78; 8:45 am]

[1] Designated as: Missouri Edison Co. Supplement No. 3 to Rate Schedule FERC No. 2 (Supercedes Supp. No. 2 to R.S. FERC No. 2).

[2] Union is the parent company of Missouri. Missouri purchases 100 percent of its total requirements from Union.

[6740-02]

[Docket No. RP72-154, (PGA78-1), etc.]

NORTHWEST PIPELINE CORP.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Intervention, Initiating Hearing and Establishing Procedures

MARCH 31, 1978.

On February 15, 1978, Northwest Pipeline Corp. (Northwest) filed a revised tariff sheet[1] to be effective April 1, 1978, to reflect a rate increase resulting from (1) Increased purchase gas costs; (2) a net decrease in the level of advance payments; and (3) reduced demand charge credits. For the reasons stated below, the referenced tariff sheet is accepted for filing and suspended for one day to become effective April 2, 1978, subject to refund; and Northwest is permitted to file a revised tariff sheet as provided herein.

PURCHASED GAS ADJUSTMENT COST (PGAC)—DOCKET NO. RP72-154 (PGA78-1)

Northwest contends that its increased rate proposal (1) reflects changes in the cost of purchased gas, including leasehold production, which will become effective on or before April 1, 1978, as applied to volumes purchased or produced for the Twelve (12) month period ending March 31, 1978; (2) reflects the change in unrecovered purchased gas costs since Northwest's prior PGAC filing dated August 16, 1977, as amended on September 19, 1977; and (3) reflects a refund, pursuant to Article IV, Paragraph A or Northwest's Stipulation and Agreement in Settlement of Rate Proceedings in Docket No. RP76-115, which represents the difference between the Clay Basin storage service charges included in Northwest's base rate for the year 1977 and the actual charges for that year.

The annualized change in Northwest's purchased gas cost aggregates an increase of $15,610,304. Northwest also proposes to recover, through a surcharge, the adjusted negative balance of $2,355,708 in its Deferred Purchased Gas Account No. 191, as of December 31, 1977. These figures translate to a 1.285 cents per therm PGA increase to reflect (1) a 0.385 cents per therm increase in average cost of gas resulting from producer-supplier contractual and nationwide rate increases to be effective on or before April 1, 1978 and of qualifying company production at the nationwide rates as provided by its tariff; and (2) a 0.900 cents per therm increase in the surcharge (from negative 1.023 cents to a negative 0.123 cents per therm) to return the negative balance in the Deferred Account.

DEMAND CHARGE CREDITS—DOCKET NO. RP74-72 (DCA78-1)

Northwest proposes a .044¢ per therm decrease in its DCA surcharge (from 0.016¢ to a negative 0.028¢ per therm) to return an estimated $517,712 credit balance in its deferred account for demand charge credits as of March 31, 1978. This proposal was made pursuant to the Commission's order issued March 29, 1974 in the captioned docket and Article 13.4 of Northwest's FERC Gas Tariff, Original Volume No. 1.

ADVANCE PAYMENT TRACKING PROVISION—DOCKET NO. RP76-115 (AP78-1)

By Commission's order issued July 5, 1977 in Docket No. RP76-115, the Commission approved, inter alia, Article VI, Advance Payments, of Northwest's Stipulation and Agreement in Settlement of Rate Proceedings ("Stipulation and Agreement") which sets forth guidelines by which changes in rates will be made pursuant to the advance payment tracking provision.

The rates agreed to in the Stipulation and Agreement reflect an outstanding advance payment balance of $8,633,633. Northwest claims that as of December 31, 1977 Northwest's total outstanding advance payment balance after giving effect of advances from Northwest and repayments received by Northwest is $7,804,476, or a decrease of $829,157.

Northwest has included in the outstanding advance payment balance an advance payment of $425,000 made to Provident Resources, Ltd. (Provident) on October 21, 1977. The advance payment was made pursuant to the Advance Payment Agreement of August 2, 1974 (Agreement). In said Agreement Northwest agreed to pay Provident $50,000 per Bcf of reserves dedicated to Northwest from acreage identified in the Agreement. Provident allegedly incurred the applicable drilling and completion costs for such gas reserves prior to November 5, 1976,[2] but Provident and Northwest were not able to agree on the total amount of such gas reserves to be dedicated. Thus, payment to Provident was not made until the question of dedicated reserves was resolved. Recently, such question was resolved and Northwest, pursuant to its agreement with Provident, made the advance to Provident on October 27, 1977.

Our review of the information submitted by Northwest regarding this advance to Provident indicates that such advance may not have been reasonable and appropriate as required by Order No. 499 in that the advance may not be reasonable related to the producer's costs for the subject drilling activities. Accordingly, the Commission shall accept for filing Northwest's revised tariff sheet and suspend its use for one day until April 2, 1978, when it shall be permitted to become effective, subject to refund. Furthermore, we shall set this matter for hearing.

Northwest also states that is should not be required to deduct the carrying charges from the production payments to Provident as required by Opinion 770-A. Northwest claims that the drilling and completion costs were incurred prior to November 6, 1976 and that it would have paid Provident for the dedicated reserves prior to that date if there had been no question of the total amount of such reserves. However, Northwest asserts that under the terms of its agreement with Provident, it could not make the advance until the reserves issue was resolved; an event that did not occur until after November 6, 1976. For these reasons Northwest contends that it should not deduct carrying charges from the production payments to Provident even though the advance payment was received after November 1, 1976. We direct that this issue be made part of the hearing ordered herein.

In response to the public notice of the subject filing, timely petitions to intervene were filed by Northwest Natural Gas Co. Southwest Gas Corp., and Colorado Interstate Gas Co. Each of the petitioners has demonstrated an interest in this proceeding sufficient to warrant intervention. Accordingly, the petitions should be granted.

Southwest Gas. Corp. (Southwest) in its March 8, 1978 Protest and Petition to Intervene also requests the Commission to order Northwest to reduce its PGA rate incease by crediting its transportation revenues to Deferred Purchased Gas Cost Account No. 191 without setting the matter for formal hearing. In support of this request, Southwest cites the February 22, 1978 Commission's order in *Panhandle Eastern Pipe Line Company* Docket No. CP77-479.

On March 22, 1978 Northwest filed a Response to Southwest's Protest and Petition to Intervene. Northwest does not object to Southwest's intervention in this proceeding but does dispute the applicability of the *Panhandle* decision to the instant proposed PGA increase. Northwest maintains that the *Panhandle* decision represents the proposition that the Commission has authority to order the crediting of

[1] Nineteenth Revised Tariff Sheet No. 10 to Northwest's Gas Tariff, Original Volume No. 1.

[2] In Opinion No. 770-A the Commission provided that a producer who accepts advance payments made after November 5, 1976 under an existing advance payment contract shall be entitled to charge the national rate less a carrying charge credit.

transportation revenues only in either a general rate proceeding or as a condition to the certificate to transport gas, and not in a PGA filing.

The issue of the treatment of transportation revenues is not an appropriate one for consideration in a tracking filing for purchased gas, advance payment and demand charge adjustment costs such as the instant filing. The issue of the treatment of transportation revenues raised by Southwest Gas is, as noted by Northwest, usually the subject of the certificate order authorizing the transportation service or an issue in a general rate increase proceeding. Southwest does not specify by docket which transportation revenues are to be credited, other than to request that all transportation service revenues be credited to Account 191. Presumably, Southwest is requesting that revenues from already certificated services be credited to Account 191. Thus, there is no opportunity to treat these revenues in the certificate order authorizing the service. Furthermore, Northwest has no pending rate case on file in which Southwest may raise the issue.

Accordingly, the Commission shall deny Southwest Gas' request for crediting of transportation revenues in this docket. However, since the issue Southwest Gas is, in effect, raising is the overall reasonablenes of Northwest's jurisdictional rates,[3] the denial of relief to Southwest Gas is without prejudice to Southwest Gas' right to request the Commission to institute an investigation under Section 5 of the Natural Gas Act into the overall justness and reasonableness of Northwest's jurisdictional rates.

Our review of the costs included in the filing, other than the costs associated with the Provident advance payment, indicates that they are just and reasonable and should be approved. Accordingly, we shall permit Northwest to file a revised tariff sheet to become effective April 1, 1978, without refund obligation, which excludes costs associated with the advance payment to Provident.

The Commission finds. It is necessary and proper in carrying out the provisions of the Natural Gas Act that (1) Northwest's proposed rate increase be accepted for filing and suspended for one day to become effective on April 2, 1978, subject to refund;

(2) that Northwest be permitted to file revised rate increases effective April 1, 1978 excluding the effect of the $425,000 advance payment made to Provident Resources, Ltd. on October 21, 1977; and (3) that such advance payment be made subject to a hearing to determine whether the advance was reasonable and appropriate as required by Order No. 499 and whether the applicable carrying costs should be deducted from production payments to Provident in accordance with Opinion No. 770-A.

The Commission orders. (A) Northwest's proposed tariff sheet, referenced herein, is accepted for filing and suspended for one day until April 2, 1978, at which time such sheet shall be permitted to become effective, subject to refund.

(B) Northwest may file, within 15 days of the issuance of this order, a revised tariff sheet to the effective April 1, 1978 without refund obligation reflecting the elimination of the outstanding advance payment of $425,000 made to Provident Resources, Ltd. on October 21, 1977.

(C) Pursuant to the authority of the Natural Gas Act, particularly, sections 4, 5, 7, 14, 15 and 16, and the Commission's rules and regulations, a hearing shall be held in this proceeding to determine the issue of the reasonablemess and appropriateness of the $425,000 advance payment made by Northwest to Provident and the issue of whether applicable carrying costs should be deducted from production payments to Provident.

(D) The Commission Staff shall prepare and serve top sheets on all parties on or before July 1, 1978.

(E) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge pursuant to 18 CFR 3.5(d), shall convene a prehearing conference in this proceeding within 10 days after the service of top sheets by the Staff, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, for the purposes of establishing procedures for the investigation and hearing to be held pursuant to this order. The Presiding Judge shall be authorized to modify all procedural dates and to establish further procedures as may in his judgment be required for purposes of the investigation and hearing pursuant to this order. The Presiding Judge shall also be authorized to rule upon all motions except motions to consolidate, sever, or dismiss, as provided for in the Rules of Practice and Procedure.

(F) The above-noted petitioners to intervene are permitted to intervene in this proceeding subject to the Commission's rules and regulations; *Provided, however,* That the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

(G) Southwest's request for crediting of transportation revenues to Account No. 191 is denied without prejudice, as set forth more fully in the body of the order.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9462 Filed 4-7-78; 8:45 am]

[3] Southwest's request for crediting of the transportation revenues to Account 191 implies that, without such action, Northwest would be collecting excessive rates.

[6740-02]

[Docket No. ER78-171]

SAN DIEGO GAS AND ELECTRIC CO.

Further Extension of Time

MARCH 31, 1978.

On March 20, 1978, the State of California Department of Water Resources (DWR) filed a motion to extend to May 26, 1978, the time for filing petitions to intervene or protests to the proposed tariff change filed January 3, 1978, by San Diego Gas and Electric Co. (SDG&E) and noticed January 11, 1978, in the above referenced proceeding. A previous extension of time was granted by Notice issued February 6, 1978.

The instant motion filed by DWR also requests an extension of time to respond to all other papers now pending in this proceeding. The motion states that SDG&E concurs in the requested extensions.

Upon consideration, notice is hereby given that an extension of time is granted to and including April 17, 1978, within which to file petitions to intervene or protests pursuant to the Notice of Proposed Tariff Change issued January 11, 1978, and to file responses to other pleadings filed in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9463 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket No. CP78-241]

SOUTHERN NATURAL GAS CO.

Application

MARCH 28, 1978.

Take notice that on March 20, 1978, Southern Natural Gas Co. (Applicant), P.O. Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP78-241 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation, on a best efforts basis, of up to 12,000 Mcf of natural gas per day (at 14.73 psia) for Transcontinental Gas Pipe Line Corp. (Transco), acting individually

and as agent of the owners of certain working interests in wells located on State Lease No. 6655 in the Bolivar Point Area, Plaquemines Parish, La., 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 arranged to purchase certain gas production from the above-mentioned wells which is inaccessible to Transco's transmission facilities. The application further states that Applicant maintains existing authorized transmission facilities in the Bolivar Point Area, and that Applicant would transport the gas from a point on its 20-inch Main Pass—Franklinton Line located at M.P. 14.053 in Plaquemines Parish, La., and redeliver equivalent volumes, less 3½ percent to account for fuel, company-used and lost and unaccounted for gas, to Transco at the existing authorized point of interconnection between Applicant's and Transco's facilities near Jonesboro, Ga.

It is indicated that Transco would pay Applicant for performing the proposed transportation service a rate of 30.8 cents per Mcf of gas redelivered to Transco at Jonesboro, Ga.

Applicant indicates that the gas to be transported hereunder is: (1) Gas attributable to working interests owned by participants in a joint venture known as the Transmac Exploration and Development Program (Transmac), and (2) gas owned by Transco.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commisson'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 if filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9466 Filed 4-7-78; 8:45 am]

[6740-02]

[Docket Nos. G-12446, CI66-890, CI66-891, CI66-919, CI66-892]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

Order on Motions Requesting Consideration of Settlement Agreements

MARCH 28, 1978.

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.[1]

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) or 402(a)(2) 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.

[1]The "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.

Continental Oil Co., Sun Oil Co., and General Crude Oil Co. (Producers) on November 23, 1977, filed a motion that the Commission consider a stipulation dated June 28, 1977, settling the producer issues in the above-entitled proceedings, which concern a lease-sale of gas from the Rayne Field in Acadia Parish in Southern Louisiana by the above Producers and M. H. Marr to Texas Eastern Transmission Corp. Texas Eastern in a reply filed December 19, 1977, asks approval of the stipulation and a second stipulation also dated June 28, 1977, covering issues related to it as a pipeline. The proceedings are before the Commission after remand in *Public Service Commission of New York* v. *F.P.C.* 543 F. 2d 757 (CADC-1974), certiorari denied, 424 U.S. 910 (1976), a further hearing, certification of the stipulations to the Commission by Presiding Administrative Law Judge Michel Levant on June 30, 1977, and comments filed. Marr in Docket No. CI66-892, did not participate in the negotiations leading to the two settlement stipulations above and did not join in them, but has also entered into a settlement stipulation which has been filed with the Commission by the Public Service Commission of the State of New York (New York) as discussed below.

An answer was filed by the staff on December 8, 1977, expressing opposition to the settlement but favoring consideration of the settlement and comments. The staff also recommended that briefs be filed with the Commission. On December 19, 1977, Texas Eastern, on December 21, 1977, the Producers and Algonquin Gas Transmission Co., and on December 23, 1977 New York expressed their opposition to the staff's request for briefs. On January 5, 1978, the staff filed a response to the pleadings of the applicants.

These are very extended proceedings that were initiated by Texas Eastern in an application for a certificate of public convenience and necessity on Aril 22, 1957. There were three appeals, one of which reached the Supreme Court on the question of the Commission's jurisdiction, which was affirmed, *P.S.C. OF N.Y.* v. *F.P.C.*, 287 F. 2d 143 (CADC-1960); *Marr* v. *F.P.C.*, 336 F. 2d 320 (CA5-1964), rev'd *United Gas Improvement Co.* v. *Continental Oil Co.*, 381 U.S. 392 (1965); and *P.S.C. OF N.Y.* v. *F.P.C. supra.*

In their motion the Producers asked the Commission to give prompt and urgent consideration to the settlement proposal so as to avoid frustration of the settlement process. It was pointed out that Continental has properties where the gas is subject to call by Texas Eastern under the settlement and that it cannot commit these properties until the Commission has acted

on the settlement. In its answer the staff noted that it had previously suggested that the case be promptly remanded to the Judge for a decision on the merits, but now, due to the passage of time, it favored Commission consideration after briefing.

In their opposing response the Producers said that it would be unfair and injudicious to revert now to adversary proceedings on the merits. If the settlement were not approved, Producers said, the Commission should not determine the merits of the case on the basis of briefs and so waive the initial decision, for the issues are complicated and the evidence raises substantial questions of fact.

New York said that with full settlement among the parties so near at hand after almost twenty years of litigation, requiring parties to file briefs would serve no useful purpose. Texas Eastern urged that staff's request be denied and pointed out that it would be damaged if Continental were forced to withdraw its West Cameron Block 222 gas from the pending settlement proposal.

Staff in its response of January 5, 1978, in addition to a discussion of its evidentiary presentation, argued that Texas Eastern had not shown damage to its customers by the potential sale of West Cameron Block 222 gas to another pipeline, for if Texas Eastern did not acquire Continental's interests in the possible reserves here, some other pipeline would obtain them. Staff also said that pursuant to § 1.12(e) of the Commission's rules the motion made at the hearing to approve the settlement, which had been referred to the Commission, has been denied by the expiration of thirty days, but, that this did not necessarily mean that the proposals were denied. The staff renewed its request that the Commission order briefs on the merits and asked that the Commission concurrently consider the case and the settlement proposals on the merits.

A settlement has not been reached by Marr as shown by a motion filed by New York on January 20, 1978, directed to the Commission requesting approval of a stipulation and agreement dated January 1, 1978, regarding the Marr issues. In its motion New York states that the agreement resulted from extensive negotiations among New York, Marr, Texas Eastern, and Texas Eastern customers who have been active in the proceedings. The motion sets out what New York considers the advantages of the settlement agreement, which is attached to the motion. Brooklyn Union on February 6, 1978, filed a joinder in New York's motion, and asks that the Commission approve all three settlement stipulations forthwith. Texas Eastern did so likewise on January 31, 1978, urging that it would be unwise and unwarranted to require briefs on the merits. Consolidated Edison Company of New York, Inc. on February 2, 1978, also urges approval of the Marr agreement.

In an answer filed February 6, 1978, addressed to the Administrative Law Judge staff objects to the Marr Settlement and suggests a conference at which New York may wish to ask the Judge to certify the Marr matter to the Commission. On this procedural situation it is our opinion that in view of the Judge's certification of the two earlier stipulations and New York's motion to the Commission on the Marr stipulation the matter is before the Commission.

In our opinion, with settlements now before us concerning all four producers and Texas Eastern it would be disruptive of the settlement process to require briefs at this stage. The parties have had opportunity to comment on the merits of the first two stipulations and have done so; they will also have opportunity to comment on the Marr stipulation. We agree with the ruling of Judge Levant of September 9, 1977, cited by the parties opposing briefs that "It would not serve a useful purpose or the public interest to order the submission of briefs at a time when settlement proposals are under consideration which, if approved by the Commission, would resolve the liability for approximately 92 percent of the interests herein." With the Marr settlement 100 percent of the interests would be covered. The comments filed and those which may be filed on the Marr settlement in connection with the record made on remand will enable us to determine whether the settlement should be approved considering the public interest and the court's mandate. We therefore will deny the Staff's request that briefs be filed and will grant the request of the Producers that the settlement be considered promptly by the Commission after time for the reception of comments on the Marr settlement. Other points raised by the staff can be considered in an order on the merits of the settlement.

On the effect of § 1.12(e) of our rules we note that the rule provides that a motion "shall be deemed to have been denied" 30 days after filing or referral by the hearing Judge. This provision is clearly for the protection of the parties where the Commission has not acted within 30 days so that they may take appeals or other procedural steps. We do not consider that the motion to approve the settlement has been denied and will consider it as soon as possible after allowing time for comments on the Marr settlement.

The Commission further finds: (1) It is appropriate in the administration of the Natural Gas Act that Producers' and New York's motions to consider the stipulations settling the producer issues, including Marr, be granted subject to opportunity to receive comments on the Marr settlement. In connection therewith it is likewise appropriate to consider the stipulation regarding issues related to Texas Eastern.

(2) The request by the Staff that the Commission order the filing of briefs should be denied.

The Commission orders: (A) The motions of the three Producers and New York that the Commission consider the settlement stipulations relating to all four producers is granted, and the Commission will also consider the stipulation regarding issues related to Texas Eastern, all subject to receipt of comments on the Marr stipulation.

(B) The staff's request for the ordering of briefs is denied.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-9467 Filed 4-7-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 879-1; OPP—33000/537 AND 538]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data to be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the amendments to FIFRA on November 28, 1975 (Pub. L. 94-140), and the regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, application have been amended by the submission of additional supporting data, the election of

a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, room 209, East Tower, 401 M Street SW., Washington D.C. 20460. In the case of applications subject to the section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, are being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data and wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, or (d) wishes to assert confidential status under Section 10 for his data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755-9315
PM 21 and 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, and 17—202/426-9425
PM 23—202/755-1397
PM 25—202/426-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before June 9, 1978. EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice. Registration will be delayed pending resolution of section 10 claims.

Dated: March 29, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/537)

EPA Reg. No. 10000-3. Hallemite, Lehn & Fink Industrial Products Division of Sterling Drug Inc., 225 Summit Avenue, Montvale, N.J. 07645. GROTAN HD2. Active ingredients: 2-Chloro-N-(hydroxymethyl) acetamide 39.00%; Sodium tetraborate 41.00%; Potassium iodide 0.39%. Method of support: Application proceeds under 2(b) of interim policy. Republished: New offer to pay statement. PM33

EPA File Symbol 10065-T. Fisons Corp., Agricultural Chemicals Division, 2 Preston Court, Bedford, Mass. 01730. BARBAN TECHNICAL. Active ingredients: Barban (4-chloro-2-butynyl-*m*-chloro- carbanilate) 80%. Method of support: Application proceeds under 2(b) of interim policy. New application: Revised offer to pay statement. PM25

EPA File Symbol 10182-RT. ICI Americas Inc., Agricultural Chemicals Division, Concord Pike and New Murphy Road, Wilmington, Del. 19897. PERMETHRIN TECHNICAL. Active ingredients: (3-Phenoxyphenyl)methyl(±)-cis, trans-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopro- panecarboxylate 91.0%. Method of support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 10182-RI. ICI Americas Inc. AMBUSH INSECTICIDE. Active ingredients: (3-Phenoxyphenyl)methyl(±)-cis, trans-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate 25.6%. Method of support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 10970-1. California Correctional Industries, 1020 12th Street, Sacramento, Calif. 95814. DEODORIZER-SANITIZER 1801. Active ingredients: Octyl Decyl Dimethyl Ammonium Chloride 0.950%; Dioctyl Dimethyl Ammonium Chloride 0.475%; Didecyl Dimethyl Ammonium Chloride 0.475%; Tetrasodium Ethylenediamine Tetraacetate 1.000%; Trisodium Phosphate 2.000%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement. PM31

EPA Reg. No. 11273-16. Sandoz, Inc., Crop Protection, P.O. Box 1489, Homestead, Fla. 33030. KOMEEN AQUATIC HERBICIDE. Active ingredients: Copper as elemental 8.0%. Method of support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM24

EPA File Symbol 11611-RU. Puma Chemical Co., 3012 South Main, Fort Worth, Tex. 76110. TOWR-CIDE, 10. Active ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 11611-RL. Puma Chemical Co. POOL-CIDE, BA. Active ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 11611-RA. Puma Chemical Co. POOL-CIDE, BAC. Active ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 60.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 11265-12. Seymour Chemical Assoc., 1609 Arbor Avenue, Highland Park, Ill., 60035. NYLATE-10. Active ingredients: Copper 8-Quinolinolate 10%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Additional use. PM22

EPA Reg. No. 11265-12. Seymour Chemical Assoc. NYLATE-10. Active ingredients: Copper 8-Quinolinolate 10%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Additional use. PM22

EPA File Symbol 12384-R. ABC Chemical Corp., 94-131 Leowaena Street, Waipahu, Hawaii 96797. BACTO DISINFECTANT-SANITIZER FUNGICIDE DEODORIZER. Active ingredients: Alkyl (C14, 50%; C12, 40%; C16, 10%) Dimethyl Benzyl Ammonium Chloride 10.0%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 12488-T. Norman Chemical Co., P.O. Box 4188, 1630 Carroll Avenue, St. Paul, Minn. 55104. PRODUCT 930. Active ingredients: Sodium Pentachlorophenate 10.2%; Sodium salts of other chlorophenols 1.4%; Sodium 2,4,5-Trichlorophenate 5.5%. Method of support: Application proceeds under 2(b) of interim policy. New Product PM32

EPA File Symbol 15164-R. Forto Chemical Corp., P.O. Box 10531, San Juan, P.R. 00922. FORTO DDG. Active ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 17217-I. Spectrowax Corp., 70 Hichborn Street, Brighton, Mass. 01235. ORGANICIDE. Active ingredients: Didecyl dimethyl ammonium chloride 7.5%; Isopropanol 3.0%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement. PM31

EPA Reg. No. 20954-4. Zoecon Corp., 975 California Avenue, Palo Alto, Calif. 94304. ZOECON ENSTAR 5E. Active ingredients: [2 - propynyl (*E,E*) - 3,7,11 - trimethyl - 2,4 - dodecadienoate] 65.3%. Method of support: Application proceeds under 2(a) of interim policy. Amendment. Republished: New uses. PM17

EPA File Symbol 20954-RG. Zoecon Corp. ZOECON ALTOSID BRIQUET. Active ingredients: [Isopropyl (*E,E*) - 11 - methoxy - 3,7,11 - trimethyl - 2,4 - dodecadienoate] 4.0%. Method of support: Application proceeds under 2(b) of interim policy. New application. PM17

EPA Reg. No. 32694-T. Contrast Maintenance Chemicals, 6829 Hawthorn Park Drive, Indianapolis, Ind. 46220. SANI-SOFT LAUNDRY BACTERIOSTAT-SANITIZER. Active ingredients: Octyl decyl dimethyl ammonium chloride 25.0%; Dioctyl dimethyl ammonium chloride

12.5%; Didecyl dimethyl ammonium chloride 12.5%; Isopropyl alcohol 20.0%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 34136-T. Aqua-Lyte, Inc., 42 Weatherstone Parkway, Marietta, Ga. 30062. ALGAECIDE A. Active ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 8.57%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 34736-I. Owens Services Corp., 930 East 80th Street, Minneapolis, Minn. 55420. OWENCIDE W-10. Active ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 34736-0(a). Owens Services Corp. OWENCIDE W-20. Active ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 20.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 35495-L. Chemax Inc., 2106 Northwest 24th Avenue, Portland, Oreg. 97210. QUAT 479 DISINFECTANT-SANITIZER FUNGICIDE-DEODORIZER. Active ingredients: Alkyl (C14, 60%; C16, 30%; C12, 5%; C18, 5%) Dimethyl Benzyl Ammonium Chlorides 5.0%; Alkyl-(C12, 68%; C14, 32%) Dimethyl Ethylbenzyl Ammonium Chlorides 5.0%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 35966-2. Waterco Industries, Inc., 4811 Northeast 12th Avenue, Ft. Lauderdale, Fla. 33334. WATERCO, MODEL AS-5. Active ingredients: Metallic silver 1.05%. Method of support: Application proceeds under 2(b) of interim policy. Amendment. Republished: Added use. PM33

EPA File Symbol 35977-R(1). Hoffman-La Roche Inc., 340 Kingland Street, Nutley, N.J. 07110. ATRINAL PLANT GROWTH REGULATOR. Active ingredients: Sodium salt of 2,3:4,6 - Bis - O - (1 - Methylethylidene) - a - L - Xylo - 2 - Hexulofuranosonic acid 18.5%. Method of support: Application proceeds under 2(a) of interim policy. Republished: New chemical. PM25

EPA File Symbol 36638-R. Conrel, An Albany International Co., 110 A Street, Needham, Mass. 02062. GOSSYPLURE H.F. (7.6%) PHEROMONE COMMUNICATION DISRUPTIVE FOR THE PINK BOLL WORM (PECTINOPHORA GOSSYPIELLA). Active ingredients: (*Z,Z*) - 7,11 - Hexadecadien - 1 - ol-acetate 3.8%; (*Z,E*) - 7,11 - Hexadecadien - 1 - ol-acetate 3.8%. Method of support: Application proceeds under 2(a) of interim policy. PM17

EPA File Symbol 38231-L. C-E NATCO, Combustion Engineering, Inc., P.O. Box 1710, Tulsa, Okla. 74101. BIOHIBIT B-714. Active ingredients: Alkyl propylene diamine diacetate 18.5%; 2,4,5 trichlorophenol 19.0%; Isopropanol 40.0%. Method of support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 38542-E. Swift Chemical Co., 201 South Arkansas, Rogers, Ark. 72756. SWIFT 2-D. Active ingredients: n-Alkyl (60%C14, 30%C16, 5%C12, 5%C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68%C12, 32%C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement. PM31

EPA File Symbol 39040-R. ASTRO-PURE, Inc., 4900 Northwest 15th Street, Margate, Fla. 33063. ASTRO-PURE BACTERIOSTATIC WATER PURIFIER. Active ingredients: (metallic silver) 1.05%. Method of support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 39189-A. Envirochem Inc., 317 St. Paul's Avenue, Jersey City, N.J. 07306. SAN-SOFT. Active ingredients: Octyl decyl dimethyl ammonium chloride 15.0%; Dioctyl dimethyl ammonium chloride 7.5%; Didecyl dimethyl ammonium chloride 7.5%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 39189-T. Envirochem Inc. ON TARGET. Active ingredients: Alkyl Dimethyl Benzyl Ammonium Chloride (C14, 60%; C12, 25%; C16, 15%) 9.5%. Method of support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 39189-I. Envirochem Inc. SAN-750. Active ingredients: Didecyl dimethyl ammonium chloride 7.5%; Isopropanol 3.0%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 39327-R. Aqua Treat Chemicals Inc., 1166 87th Street Daly City, Calif. 94015. AQUA TREAT A-101 ALGAECIDE BRIQUETTES. Active ingredients: Sodium Pentachlorophenate 39.59%; Sodium Salts of other chlorophenols 5.50%. Method of support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 39327-G. Aqua Treat Chemicals Inc. AQUA TREAT A-103 LIQUID ALGAECIDE. Active ingredients: 2,4,5-Trichlorophenol 10.45%; Tetra chlorophenol 1.44%; Penta chlorophenol 10.56%; Propylene glycol methyl ether 20.0%. Method of support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 39327-O. Aqua Treat Chemicals Inc. AQUA TREAT A-801 ALGAECIDE BRIQUETTES. Active ingredients: Sodium Pentachlorophenate 39.50%; Sodium Salts of other chlorophenols 5.50%. Method of support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 39327-RR. Aqua Treat Chemicals Inc. AQUA TREAT A-803 LIQUID ALGAECIDE. Active ingredients: 2,4,5-Trichlorophenol 10.45%; Tetra chlorophenol 1.44%; Penta chlorophenol 10.56%; Propylene glycol methyl ether 20.0%. Method of support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 39398-A. Sumitomo Chemical America Inc., 1330 Dillon Heights Avenue, Baltimore, Md. 21228. INSECTICIDE AEROSOL d-PHENOTHRIN, 2% AQUEOUS. Active ingredients: 3-phenoxybenzyl d-cis and trans 2,2-dimethyl-3-(2-methyl-propenyl) cyclopropanecarboxylate 2%. Method of support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 39910-A. Triple E Systems Engineering, Inc., P.O. Box 7011, Hollywood, Fla. 33021. BLACK ALGAE-OUT. Active ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 60.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40101-R. Challenge Products Inc., 1702 Chase Drive, Fenton, Mo. 63026. X-SEPTIC. Active ingredients: o-Phenyl phenol 6.00%; o-Benzyl parachloro phenol 6.00%; p-Chloro, m-xylenol 2.50%; Isopropanol 5.00%; Dodecyl benzene Sulfonic Acid 5.00%. Method of support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 40184-R. The Marketers, Intl., 3711 North 75th Street, Scottsdale, Ariz. 85251. ARGENION MODEL 1 WATER TREATMENT UNIT. Active ingredients: Metallic Silver 1.05%. Method of support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 40703-R. The Whitex Co., R 884 North Grant Avenue, Kittanning, Pa. 16201. WHITEX. Active ingredients: Sodium Hypochlorite 5.25%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 41017-E. Boland Trane Service Agency, Inc., 12320 Parklawn Drive, Rockville, Md. 20850. B.T.S.A. NO. 540. Active ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 30.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 41128-R. American Resin & Chemical Corp., 6250 Southwest Parkway, P.O. Box 4505, Wichita Falls, Tex. 76308. ARC-MICROBIOCIDE 3005. Active ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 15.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 41301-R. Progressive Products, P.O. Box 302, Marion, Kans. 66861. SPECTRO-BLEND. Active ingredients: Poly-[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39910-A. Triple E Systems Engineering, In., P.O. Box 7011, Hollywood, Fla. 33021. BLACK ALGAE-OUT. Active ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 60.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40101-R. Challenge Products Inc., 1702 Chase Drive, Fenton, Mo. 63026. X-SEPTIC. Active ingredients: o-Phenyl phenol 6.00%; o-Benzyl parachloro phenol 6.00%; p-Chloro,m-xylenol 2.50%; Isopropanol 5.00%; Dodecyl benzene Sulfonic Acid 5.00%. Method of support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 40184-R. The Marketers, Intl., 3711 North 75th Street, Scottsdale, Ariz. 85251. ARGENION MODEL 1 WATER TREATMENT UNIT. Active ingredients: Metallic Silver 1.05%. Method of support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 40703-R. The Whitex Co., R 884 North Grant Avenue, Kittanning, Pa. 16201. WHITEX. Active ingredients: Sodium Hypochlorite 5.25%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 41017-E. Boland Trane Service Agency, Inc., 12320 Parklawn Drive, Rockville, Md. 20850. B.T.S.A. NO. 540. Active ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 30.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 41128-R. American Resin & Tex. Chemical Corp., 6250 Southwest Parkway, P.O. Box 4505, Wichita Falls, Tex. 76308. ARCMICROBIOCIDE 3005. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 15.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 41301-R. Progressive Products, P.O. Box 302, Marion, Kans. 66861. SPECTRO-BLEND. Active ingredients: Poly[oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

APPLICATIONS RECEIVED (OPP-33000/538)

EPA File Symbol 168-LNO. Wasatch Chemical Division, P.O. Box 6219 1979 South 7th West, Salt Lake City, Utah 84106. MORGRO CHLORDANE 75% SPRAY. Active ingredients: Technical Chlorane 75.00%; Petroleum Hydrocarbons 19.90%. Method of support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 201-UNU. Shell Chemical Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036. BLADEX 4L HERBICIDE FOR COTTON. Active ingredients: 2-[[4-chloro-6-(ethylamino)-s-triazin - 2-yl]amino]-2-methylpropionitrile 43%. Method of support: Application proceeds under 2(b) of interim policy. PM25

EPA Reg. No. 239-2186. Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, Calif. 94804. ORTHO PARAQUAT CL. Active ingredients: Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride) 29.1%. Method of support: Application proceeds under 2(b) of interim policy. Republished: New use added. PM25

EPA Reg. No. 239-2186. Chevron Chemical Co. ORTHO PARAQUAT CL. Active ingredients: Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride) 29.1%. Method of support: Application proceeds under 2(b) of interim policy. Republished: New use added. PM 25

EPA Reg. No. 239-2186. Chevron Chemical Co. ORTHO PARAQUAT CL. Active ingredients: Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride) 29.1%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Added use on spearmint and peppermint. PM 25

EPA Reg. No. 241-238. American Cyanamid Co., Agricultural Division, P.O. Box 400, Princeton, N.J. 08540. COUNTER 15G. Active ingredients: Terbufos S-[[(1,1-dimethylethyl)thio]methyl]O, O-diethyl phosphorodithioate 15.0%. Method of support. Application proceeds under 2(b) of interim policy. Republished: New use added. PM 16

EPA File Symbol 323-LA. J. I. Holcomb Mfg. Co., 4415 Euclid Avenue, Cleveland, Ohio 44103. N-DIT II. Active ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 352-270. E. I. DuPont deNemours & Co. (Inc.), Wilmington, Del. 19898. DUPONT LOROX WEED KILLER. Active ingredients: Linuron [3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea] 50%. Method of support: Application proceeds under 2(b) of interim policy. Republished: New use added. PM25

EPA Reg. No. 352-317. E. I. DuPont deNemours & Co. (Inc.). SINBAR TERBACIL WEED KILLER. Active ingredients: Terbacil [3-tert-butyl-3-chloro-6-methyluracil] 80%. Method of support: Application proceeds under 2(b) of interim policy. Republished: new use added. PM25

EPA Reg. No. 352-342. E. I. DuPont deNemours & Co. (Inc.). LANNATE INSECTICIDE. Active ingredients: Methomyl Simethyl N [(methylcarbamoyl)oxy]thioacetimidate 90%. Method of support: Application proceeds under 2(b) of interim policy. Amendment. Republished: Adding pests. PM12

EPA Reg. No. 352-370. E. I. DuPont deNemours & Co. (Inc.). LANNATE L INSECTICIDE. Active ingredients: S-methyl N-[(methylcarbamoyl)oxy]thio- acetimidate 24%. Method of support: Application proceeds under 2(b) of interim policy. Amendment: Republished: Adding pests. PM12

EPA Reg. No. 352-375. E. I. DuPont deNemours & Co. (Inc.). LEXONE METRIBUZIN WEED KILLER. Active ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one 50%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Added use on asparagus, alfalfa. PM25

EPA Reg. No. 372-34. Mallinckrodt, Inc., 2d and Mallinckrodt, St. Louis, Mo. 63147. KOBAN 30. Active ingredients: 5-Ethoxy-3-Trichloromethyl-1,2,4,-Thiadiazole 30%. Method of support: Application proceeds under 2(a) of interim policy. PM21

EPA Reg. No. 476-1995. Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804. DYFONATE 10.G. Active ingredients: *O*-ethyl *S*-phenyl ethylphosphonodithioate 10.0%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM16

EPA Reg. No. 476-2056. Stauffer Chemical Co. DYFONATE 4-E. Active ingredients: *O*-ethyl *S*-phenyl ethyl phosphonodithioate 44.6%; Petroleum hydrocarbon solvent 44.9%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Added Claims. PM16

EPA Reg. No. 476-2134. Stauffer Chemical Co. DYFONATE 4-EC. Active ingredients: *O*-ethyl *S*-phenyl ethyl phosphonodithioate 47.3%; Petroleum hydrocarbon solvent 42.1%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Added claims. PM16

EPA Reg. No. 1029-83. Aidex Corp., P.O. Box 7348, Omaha, Nebr. 68107. FLY-BAN FLY KILLER. Active ingredients: 2,2 Dichlorovinyl dimethyl phosphate (DDVP) 0.46%; Related compounds 0.04%. Method of support: Application proceeds under 2(a) of interim policy. PM13

EPA File Symbol 1833-L. Brilco Laboratories, Inc., 1551-9-63d Street, Brooklyn, N.Y. 11219. BRILCO COOLING TOWER ALGAECIDE-SLIMICIDE. Active ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 10%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 2224-50. Mobil Chemical, P.O. Box 26683, Richmond, Va. 23261. MODOWN HERBICIDE. Active ingredients: Bifenox [Methyl-5-(2,4-dichlorophenoxy)-2-nitrobenzoate] 80%. Method of support: Application proceeds under 2(b) of interim policy. Republished: New use. PM25

EPA Reg. No. 2224-50. Mobil Chemical. MODOWN HERBICIDE. Active ingredients: Bifenox [Methyl-5-(2,4-dichlorophenoxy)-2-nitrobenzoate] 80%. Method of support: Application proceeds under 2(b) of interim policy. Republished: New use. PM25

EPA Reg. No. 3125-302. Mobray Chemical Corp., Chemagro Agricultural Division, P.O. Box 4913, Kansas City, Mo. 64120. MORESTAN 25% WETTABLE POWDER MITICIDE-FUNGICIDE. Active ingredients: 6-Methyl-1,3-dithiolo[4,5-*b*] quinoxalin-2-one 25%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM13

EPA File Symbol 4000-AO. Southern Chemical Products Co., 430 Lower Boundary, P.O. Box 205, Macon, Ga. 31202. EMULSOL DISINFECTANT BOWL CLEANER. Active ingredients: Hydrogen Chloride 23.0%. Method of support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 7368-UG. Georgia-Pacific Corp., Los Angeles, Calif. 90040. GEORGIA-PACIFIC HOSPITAL DISINFECTANT. Active ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 1.9%; Sodium Carbonate 4.0%. Method of support: Application proceeds under 2(b) of interimn policy. PM33

EPA File Symbol 9367-EL. Theochem Laboratories, Inc., 5131 West Idlewild, Tampa, Fla. 33614. LEM-O-PHENE II. Active ingredients: Octyl Decyl Dimethyl Ammonium Chloride 0.950%; Dioctyl Dimethyl Ammonium Chloride 0.475%; Didecyl Dimethyl Ammonium Chloride 0.475%; Tetrasodium Ethylenediamine Tetraacetate 1.000%; Trisodium Phosphate 2.000%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 9367-EA. Theochem Laboratories, Inc. FRAGPROPINE II. Active ingredients: Octyl Decyl Dimethyl Ammonium Chloride 0.950%; Dioctyl Dimethyl Ammonium Chloride 0.475%; Didecyl Dimethyl Ammonium Chloride 0.475%; Tetrasodium Ethylenediamine Tetraacetate 1.000%; Trisodium Phosphate 2.000%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 9367-ET. Theochem Laboratories, Inc. MINT-O II. Active ingredients: Octyl Decyl Dimethyl Ammonium Chloride 0.950%; Dioctyl Dimethyl Ammonium Chloride 0.475%; Didecyl Dimethyl Ammonium Chloride 0.475%; Tetrasodium Ethylenediamine Tetraacetate 1.000%; Trisodium Phosphate 2.000%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 10807-38. Aero Mist, Inc., 990 Industrial Park Drive, Marietta, Ga. 30062. MISTYMIZER AIR SANITIZER. Active ingredients: Triethylene Glycol 7.70%; Propylene Glycol 5.13%; n-Alkyl (50% C14, 40% C12, 10% C16) Dimethyl Benzyl Ammonium Chloride 0.17%. Method of support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 12384-E. ABC Chemical Corp., 94 131 Leowaena Street, Waipahu, Hawaii 96797. MIL-PRE. Active ingredients: Didecyl Dimethyl Ammonium Chloride 10%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 35576-GN. Enterprise Products Corp., 901 East 3d Street, Los

Angeles, Calif. 90013. D/D DISINFECTANT DEODORANT. Active ingredients: Alkyl (C14, 60%; C16, 30%; C12, 5%; C18, 5%) Dimethyl Benzyl Ammonium Chlorides 5.0%; Alkyl (C12, 68%; C14, 32%) Dimethyl Ethylbenzyl Ammonium Chlorides, 5.0%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 36271-G. American Lava Coatings Corp., 855 1 Conklin Street, Farmingdale, N.Y. 11735. GERMICIDAL CLEANER #3500. Active ingredients: Sodium metasilicate 30%; n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 15%. Method of support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 36832-R. Century Pool Services, Inc., 141 Southeast 15th Avenue, Boynton Beach, Fla. 33453. FOR SWIMMING POOL CHLORINATION AND SANITIZING. Active ingredients: Sodium Hypochlorite 9.2%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 37621-R. American Bleach Mfg. Co., 1706 Portland Avenue, Louisville, Ky. 40203. CHEMI—CAL. Active ingredients: Sodium Hypochlorite 12.5%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 37824-R. National Pool Builders of Largo, Inc., 11922 U.S. 19 South, Clearwater, Fla. 33516. FOR SWIMMING POOL CHLORINATION AND SANITIZING. Active ingredients: Sodium Hypochlorite 9.2%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 37828-R. The Pool Keeper, 905 17th Street, P.O. Box 972, Vero Beach, Fla. 32960. FOR SWIMMING POOL CHLORINATION AND SANITIZING. Active ingredients: Sodium Hypochlorite 9.2%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 37898-R. Preferred Pool Services, 201 Southeast 2d Avenue, Delray Beach, Fla. 33444. FOR SWIMMING POOL CHLORINATION AND SANITIZING. Active ingredients: Sodium Hypochlorite 9.2%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 38129-R. Gulf Coast Resources, Inc., 2852 20th Avenue North, St. Petersburg, Fla. 33713. CHLORINE SOLUTION. Active ingredients: Sodium Hypochlorite 9.2%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39327-T. Aqua Treat Chemicals Inc., 1166 87th Street, Daly City, Calif. 94015. A-108 MICROBIOCIDE. Active ingredients: Didecyl Dimethyl Ammonium Chloride 16.67%; Isopropyl alcohol 6.67%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 39327-RE. Aqua Treat Chemicals Inc. A-804 ALGAECIDE. Active ingredients: Dehydroabietylamine Acetate 6.25%; N-Alkyl (C14 3%, C16 27%, C18 70%) Trimethylammonium Chloride 3.125%; N-DiAlkyl (8 8%, C10 9%, C12 47%, C14 18%, C16 8%, C18 10%) Dimethylammonium Chloride 3.125%; Isopropyl Alcohol 12.50%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 39327-RG. Aqua Treat Chemicals Inc. A-805 MICROBIOCIDE. Active ingredients: N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chloride 6.25%; N-Akyl (50% C12, 30% C14, 17% C16, 3% C18) Dimethyl Ethylbenzyl ammonium chloride, 6.25%; bis (Tributyltin) oxide 2.375%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 39327-RL. Aqua Treat Chemicals Inc. A-808 MICROBIOCIDE. Active ingredients: Didecyl Dimethyl Ammonium Chloride 16.67%; Isopropyl alcohol 6.67%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 41052-E. Chute Chemical Co., Building No. 97, B.I.A., Bangor, Maine 04401. CHUTE SANITIZER-CLEANER. Active ingredients: Alkyl (60%, C14; 30%, C16; 5%, C12; 5%, C18) Dimethyl Benzyl Ammonium Chlorides 1.28%; Alkyl (68%, C12; 32%, C14) Dimethyl Ethylbenzyl Ammonium Chlorides, 1.28%; Sodium carbonate 2.00%. Method of support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 41052-G. Chute Chemical Co. CCC DISINFECTANT CLEANER. Active ingredients: Didecyl Dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 1.5%. Method of support: Application proceeds under 2(b) of interim policy. PM31

[FR Doc. 78—9485 Filed 4-7-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20639]

AMERICAN TELEPHONE & TELEGRAPH CO., ET AL.

Comsat Rate Reductions

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: This action modifies the dates for filing comments and reply comments concerning the extent and manner of flow through of Comsat refunds and rate reductions.

DATES: Comments are to be filed by April 12, 1978. Reply comments are due by April 24, 1978.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Claudia Pabo, Common Carrier Bureau, 202-632-6363.

SUPPLEMENTARY INFORMATION:

Adopted: April 3, 1978.

Released: April 5, 1978.

In the matter of American Telephone & Telegraph Co.; All American Cables & Radio, Inc.; the French Telegraph Cable Co.; Hawaiian Telephone Co.; ITT World Communications, Inc.; RCA Global Communications, Inc.; TRT Telecommunications Corp.; Western Union International, Inc. (see 43 FR 11750).

1. The Commission's decision in Docket No. 16070 ordered the Communications Satellite Corp. (Comsat) to reduce its rates for international satellite service. Communications Satellite Corp., 56 FCC 2d 1101 (1975). Comsat does not usually provide service directly to the ultimate consumer. Rather, it serves other carriers, designated as authorized users, which in turn provide service to the public. Authorized Entities and Authorized Users, 4 FCC 2d 421 (1966), reconsideration granted in part and denied in part, 6 FCC 2d 593 (1967). Accordingly, Docket No. 20639 was instituted to ensure that the ultimate consumer will benefit from Comsat's rate reductions. American Telephone & Telegraph Co., 56 FCC 2d 821 (1975).

2. On March 13, 1978, the Commission adopted an order revision the procedural schedule in Docket No. 20639. American Telephone & Telegraph Co., Docket No. 20639, FCC 78-192 (released March 15, 1978). Comments concerning the extent and manner of flow through of the Comsat rate reductions and refunds were to be filed by April 5, 1978. Reply comments were due April 17, 1978.

3. ITT World Communications, Inc. (ITT) has requested that the date for filing comments be extended from April 5, to April 12, 1978.[1] Letter to Mr. William J. Tricarico, Secretary, Federal Communications Commission from Joseph J. Jacobs, Vice President and General Attorney, ITT World Communications, Inc. ITT states the "[t]he comments required to be filed in the subject proceeding involve many millions of dollars and are of critical importance to the future operations of ITT Worldcom." However, "at the present time a number of the senior ITT Worldcom executives, including its Vice President and Comptroller, are in the Far East or Europe and are not expected to return in time to address this matter before the present filing date." In view of the importance of this proceeding, ITT believes that appropriate senior management officials should have an opportunity to review these comments before they are filed.

4. We believe that ITT has shown good cause for the requested extension of time. Therefore, we will modify the dates for filing comments in this proceeding. Initial comments will be due April 12, 1978. Reply comments are to be filed by April 24, 1978.

5. Accordingly, *It is ordered*, That ITT's request for extension of time is

[1] Section 1.46 of the Commission's rules, 47 CFR § 1.46, provides for the filing of motions for extension of time.

granted, and that any individual or organization wishing to file comments concerning the extent and manner of flow through of the Comsat rate reductions and refunds shall do so by April 12, 1978.

6. *It is further ordered*, That responses to any such comments are to be filed by April 24, 1978.[2]

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc. 78-9437 Filed 4-7-78; 8:45 am]

[6712-01]

[Report No. 904]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

APRIL 3, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see section 309(c) of the Communications Act), applications filed under part 68, applications filed under part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for part 68 applications.

In order for an application filed under part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20661-CD-P-78 Marvin R. Grevemberg, Grevemberg Communications (new). C.P. for a new station to operate on 152.12 MHz to be located at End of Thunder Valley Road, 7 miles south of DeRidder, La.

20817-CD-P-78 Southwestern Bell Telephone Co. (KKV690). C.P. to change antenna system and relocate facilities operating on 35.62 MHz at location No. 1: 1100 Milam Street, Houston, Tex.

20881-CD-P-78 Mobaphone of New Mexico (KTS262). C.P. to change antenna system operating on 152.24 MHz at location No. 1: Sandia Crest, 9 miles northeast of Albuquerque, N. Mex.

20941-CD-P-78 S. F. McNeill d.b.a. Communication Specialists Co. (KIY749). C.P. to change antenna system and replace transmitter operating on 152.18 MHz located at 3330 Wrightsville Avenue, Wilmington, N.C.

21081-CD-P-78 Central Communications, Inc. (new). C.P. for a new 1-way signaling station to operate on 158.70 MHz to be located at 113 Depot Street, Marshall, Minn.

21082-CD-TC-P-78 Westchester Mobifone System, Inc. Consent to Transfer of Control from Madeline J. Medlar, transferor to Gerald D. Agliata, transferee. Stations: KAA281 and KEA274, Mt. Pleasant, N.Y.

21086-CD-P-78 Colorado West Mobile Phone, Inc. (new). C.P. for a new station to operate on 152.06 MHz to be located 1.9 miles southwest of Olathe, Colo.

21087-CD-P-78 Colorado West Mobile Phone, Inc. (new). C.P. for a new 1-way signaling station to operate on 152.24 MHz to be located 1.9 miles southwest of Olathe, Colo.

21088-CD-P-78 Mobile Phone Answering Co. (new). C.P. for a new station to operate on 152.06 MHz to be located between U.S. routes 54 and 385, approximately 0.8 mi. north northeast of Dalhart, Tex.

21089-CD-P-78 Metrotec, Inc. (KTS283). C.P. to change antenna system and replace transmitter operating on 35.22 MHz located at 3930 Sunset Boulevard, Youngstown, Ohio.

21090-CD-MP-78 Airsignal of Nevada, Inc. (KWT989). C.P. to relocate facilities operating on 35.22 MHz at location No. 3: Black Mountain, 6.5 mi. southwest of Henderson, Nev.

CORRECTION

21051-CD-TC-(2)-78 Camden Rural Telephone Co.—Correct entry to read: Camden Telephone Co. All other particulars remain as reported on PN No. 903, dated March 27, 1978.

INFORMATIVE

The Commission's Public Notice dated March 6, 1978, Report No. 900 listed the acceptance for filing the application of Juanita Cox, d.b.a. Girl Friday, File No. 20846-CD-P-(2)-78. Since the application was amended on March 22, 1978, to include pertinent engineering and other exhibits of the application which were not available for public inspection the amendment has been determined major and subject to sections 21.27 and 27.31 of the Commission's Rules.

RURAL RADIO

CORRECTION

Radio Dispatch Co. (new). Correct Public Notice No. 902, dated March 20, 1978. File No. 21007-CD-P/L-(10)-78 for temporary fixed stations at off-shore locations was incorrectly listed under DPLMRS. The file number for this application should read: 60192-CR-P/L-78 and listed under Rural Radio Service. All other particulars remain as reported on PN No. 902.

POINT TO POINT MICROWAVE RADIO SERVICE

NY—1664-CF-P-78 American Telephone & Telephone Co. (KZA49). 2.75 miles west of Attica (Wyoming), N.Y. Lat. 42°51'42" N., Long. 78°20'19" W. C.P. to add frequency 3950H MHz toward. Middleport, N.Y.

NY—1665-CF-P-78 Same (WPE78). 1.6 miles southwest of Middleport (Middleport), N.Y. Lat. 43°11'37" N., Long. 78°30'03" W. C.P. to add frequencies 3910H MHz toward Attica, N.Y., and 3990H MHz toward Olcott, N.Y.

NY—1666-CF-P-78 Same (WPE79). 1.9 miles southeast of Olcott (Niagara), N.Y. Lat. 43°19'45" N., Long. 78°40'45" W. C.P. to add frequencies 3870H MHz toward Middleport, N.Y., and 3950H MHz toward Toronto, Ca, N.Y.

WY—1667-CF-P-78 Mountain States Telephone & Telegraph Co. (KPZ70), 300 C Street, Rock Springs (Sweetwater), Wyo. Lat. 41°35'04" N., Long. 109°13'08" W. C.P. to replace transmitters on frequencies 6189.8H, 6249.1H, 6367.7H, 11325V, 11405H, and 11565H MHz toward Rock Springs, passive reflector 1 and from passive reflector to White Mountain, Wyo., and add a new point of communication on frequencies 11445V, 11365V MHz on azimuth 290.0° toward Rock Springs, Wyo., passive reflector 3 and from passive reflector to Rock Springs Junction, Wyo.

WY—1668-CF-P-78 Same (new). Rock Springs Junction. 2.1 miles southeast of Reliance (Sweetwater), Wyo. Lat. 41°39'24" N., Long. 109°09'32" W. C.P. for a new station on frequencies 10995V and 10915V MHz on azimuth 216.7° toward Rock Springs, Wyo., passive reflector 3 and from passive reflector to Rock Springs, Wyo.

WY—1669-CF-P-78 Same (KPZ69). White Mountain. 22.8 miles north of Rock Springs (Sweetwater), Wyo. Lat. 41°55'28" N., Long. 109°16'22" W. C.P. to replace transmitters on frequencies 5937.8H, 5997.1H, 6115.7H, 10875V, 10955H, and 11115H MHz toward Rock Springs, Wyo., passive reflector 1 and from passive reflector to Rock Springs, Wyo., 5982.3V, 6041.6V, 10755V, and 10995H MHz toward Kemmerer Hill, Wyo.

WY—1670-CF-P-78 Same (KPS38). Kemmerer Hill. 3.5 miles north northeast of Kemmerer (Lincoln), Wyo. Lat. 41°50'15" N., Long. 110°30'08" W. C.P. to replace transmitters on frequencies 62343.V,

[2] This action is taken by the Chief, Common Carrier Bureau pursuant to the delegation of authority contained in section 0.303 of the Commission's rules, 47 CFR § 0.303.

6293.6V, 11445H, and 11685V MHz toward White Mountain, Wyo.

AZ—1688-CF-P-78 Universal Telephone Co. of Southwest Arizona (new). 1.8 miles north of Highways 264 and 54, Shongopovi (Navajo), Ariz. Lat. 35°52'08" N., Long. 110°31'00" W. C.P. for a new station on frequencies 2112H MHz on azimuth 222.3° toward Mormon Mountain, Ariz., 2124V MHz on azimuth 274.3° toward New Oraibi, Ariz., 2120V MHz on azimuth 116.9° toward Polacca, Ariz., passive reflector and from passive reflector to Polacca, Ariz., 2128H MHz on azimuth 101.4° toward Keams Canyon, Ariz., passive reflector and from passive reflector to Keams Canyon, Ariz.

WA—1671-CF-P-78 General Telephone Co. of the Northwest Inc. (WCG294), 2d between C and B Streets, Cusick (Pend Oreille), Wash. Lat. 48°20'13" N., Long. 117°17'42" W. C.P. to move antennas on frequencies 2118.4H and 2118.4V MHz toward Hoodoo Mountain, Wash.

IL—1676-CF-ML-78 Illinois Consolidated Telephone Co. (KTF59). 0.25 miles northwest of Sicily (Christian), Ill. Mod. of License to correct coordinates from Lat. 39°35'30" N., Long. 89°29'41" W. to read Lat. 39°35'28" N., Long. 89°29'51" W. and correct azimuth toward Taylorville, Ill., to 104.4°.

AZ—1689-CF-P-78 Universal Telephone Co. of Southwest Arizona (new). New Oraibi (navajo), Ariz. Lat. 35°52'31" N., Long. 110°37'19" W. C.P. for a new station on frequency 2174V MHz on azimuth 94.3° toward Shongopovi.

AZ—1690-CF-P-78 Same (new) Polacca (Navajo), Ariz. Lat. 35°49'48" N., Long. 110°23'14" W. C.P. for a new station on frequency 2170V MHz on azimuth 228.6° toward Polacca, Ariz., passive reflector, and from passive reflector to Shongopovi, Ariz.

AZ—1691-CF-P-78 Same (new) Keams Canyon (Navajo), Ariz. Lat. 35°48'48" N., Long. 110°11'40" W. C.P. for a new station on frequency 2178H MHz on azimuth 33.8° toward Keams Canyon, Ariz., passive reflector and from passive reflector to Shongopovi, Ariz.

OK—1711-CF-P-78 Southwestern Bell Telephone Co. (WCG221), 201 South 8th Duncan (Stephens), Okla. Lat. 34°29'58" N., Long. 97°57'26" W. Mod. of C.P. to move antennas on frequency 5945.2V MHz on azimuth 291.4° toward Letitia, Okla.

AR—1712-CF-P-78 Same (WAH660), 215 South New Orleans, Brinkley (Monroe), Ark. Lat. 34°53'05", N., Long. 91°11'32" W. C.P. to decrease structure height and add frequency 2112V MHz toward Clarendon, Ark.

NY—1758-CF-P-78 American Telephone & Telegraph Co. (KEA25), 65 Franklin Street, Buffalo (Erie), N.Y. Lat. 42°53'00" N., Long. 78°52'39" W. C.P. to add frequency 3730H MHz toward Holland, N.Y.

NY—1759-CF-P-78 Same (KEM46). 1.2 miles northeast of Holland (Erie), N.Y. Lat. 42°39'33" N., Long. 78°31'42" W. C.P. to add frequencies 3750V MHz toward Attica, N.Y., and 3770H MHz toward Buffalo, N.Y.

NY—1760-CF-P-78 Same (KZA49). 2.75 miles west of Attica (Wyoming), N.Y. Lat. 42°51'42" N., Long. 78°20'19" W. C.P. to add frequency 3710V MHz toward Holland, N.Y.

UT—1761-CF-P-78 Mountain Microwave Corp. (KFA41), 136 East South Temple Street, Salt Lake City, Utah. Lat. 40°46'09" N., Long. 111°53'12" W. C.P. add 6034V 6152.8V MHz toward KUTV, Utah, on azimuth 237.2° and increase antenna height for frequency 10715H MHz toward Nelson Peak.

NY—1736-CF-P-78 Eastern Microwave, Inc. (KEM35), Ingraham Hill, Lookout Tower, 3 miles south-southwest of Binghamton, N.Y. Lat. 42°03'43" N., Long. 75°57'03" W. C.P. add 6049.0H MHz toward Owego, N.Y., via power split on azimuth 283.2°.

OH—1735-CF-P-78 Eastern Microwave, inc. (WCG313), off East Tallmadge Avenue, Akron, Ohio. Lat. 41°05'48" N., Long. 81°28'34" W. C.P. add 5974.8V MHz toward Kent, Ohio, via power split on azimuth 65.6°.

1767-CF-AP/AL-(85)-78 American Television & Communications Corp.—Application for Consent to Assignment of radio station construction permits and licenses from American Television & Communications Corp., assignor, to Time Television & Communications, Inc., assignee, for the following stations in the Point-To-Point Microwave Radio Service:

MN (KOC70) Elbow Lake.
MN (KZS97) Morris.
MN (KCM75) Montevideo.
MN (KCM73) Little Falls.
MN (KYC43) Brainerd.
MN (KYC44) Ben Draper.
MN (KYC45) Beauty Lake.
MN (KCM74) Benson.
MN (KCM72) Cold Springs.
MN (KAY61) Willmar.
MN (WCG290) Hoyt Lakes.
MN (WCG291) Babbitt.
VA (WAT976) Mastins Corner.
VA (WAT977) Charlottesville.
VA (WAT978) Tower Hill.
VA (WAT979) Jack Mountain/Lynchburg.
VA (WBB360) Poor Mountain.
VA (WAT980) Dry Fork.
NC (WAT981) Reidsville.
NC (WAT982) Greensboro.
NC (WAU277) High Point.
NC (WAU868) Salisbury.
NC (WBB358) Wilson.
NC (WCT950) Coats.
NC (WCG256) Little Pisgah.
NC (WCG255) Gastonia.
NC (WBA869) Concord.
NC (WBA757) Ossippee.
NC (WBA758) Efland.
NC (WBA759) Durham.
NC (WBA760) Raleigh.
NC (WBA761) Selma.
NC (WBA778) Goldsboro.
SC (WBA209) Ridgeway.
SC (WCU212) Catawba.
FL (KJE51) Stuart.
FL (WJE52) Fort Pierce.
FL (WPF92) Del Ray Beach.
FL (WJL79) Vero Beach.
FL (WJL80) Micco.
FL (WSM71) Melbourne.
FL (WJL78) Tohopkee.
FL (WJL77) Kissimmee.
FL (WPF95) Orlando.
FL (WPE66) Orange City.
FL (WBB404) Cocoa.
FL (WBB405) Daytona Beach.
FL (WAU319) Winter Haven.
FL (WAU321) Plant City.

1767-CF-AP/AL-(85)-78 American Television & Communications Corp. Consent to Assignment of stations continued:

FL (WAU322) Brandon.
FL (WAU323) Mullis City.
FL (WAU324) Safety Harbor.
FL (WAU325) Ruskin.
FL (WAU326) Largo.
TF (WCG206) Temporary-Fixed
NY (KEG51) Connecticut Hill
CA (KTR45) Bakersfield.
CA (KVU78) Broadcast Peak.
CA (KNL46) Chual.
CA (KNK60) Cuesta Ridge.
CA (WQR44) Escrito.
CA (KTR46) Frazier Mountain.
CA (KNL31) Fremont Peak.
CA (WDD52) San Antonio Hill.
CA (KVH57) San Bruno.
CA (WAU218) Sulphur Mountain.
CA (KNL77) Williams Hill.
WA (WAH469) Bald Butte.
WA (WBB351) Indian Bluff.
WA (WPZ25) Joe Butte.
WA (WPR33) Mission Ridge.
WA (WAN96) Pomeroy.
WA (WPR32) Ravens Roost.
WA (WBO60) Seattle.
WA (WBO58) Squak Mountain.
WA (WQR42) Tacoma.
WA (WBB352) Tecoa.
CA (WAH473) Vollmer Peak.
CA (WAH474) Oakland.
CA (WAH475) Monterey.
CA (WAH567) Monument Peak.
CA (WAH568) Bald Ridge.
MN (KCM71) Rockford.
NC (WBA979) Charlotte.

SC—1772-CF-P-78 Hargray Telephone Co., Inc. (WQQ44), Hilton Head Highway, 278 Hilton Head Island (Beaufort), S.C. Lat. 27° N., Long. 80°44'06" W C.P to add a new point of communication on 2128.4H MHz on azimuth 250.2° toward Savannah BS, SC.

[FR Doc. 78-9262 Filed 4-7-78; 8:45 am]

[6712-01]

FM AND TV TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: March 29, 1978.

Released: April 4, 1978.

Notice is hereby given pursuant to §§ 1.572(c) and 1.573(d) of the Commission's rules, that on May 19, 1978, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.519(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 18, 1978, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on May 18, 1978. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.573(d) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-6036 (new), Pioche, Nev., Lincoln County TV District No. 1. Req: Channel 13, 210-216 MHz, 1 watt. Primary: KVVU-TV, Henderson, Nev.

BPTTV-6037 (new), Caliente, Nev., Lincoln County TV District No. 1. Req: Channel 11, 198-204 MHz, 1 watt. Primary: KVVU-TV, Henderson, Nev.

BPTTV-6038 (new), Ursine, Nev., Lincoln County TV District No. 1. Req: Channel 11, 198-204 MHz, 1 watt. Primary: KVVU-TV, Henderson, Nev.

BPTTV-6039 (K03DH), Willowdale, Oreg., Cross Keys Television Corp. Req: Change frequency to Channel 11, 198-204 MHz., change primary TV station to KVAL, Channel 13, Eugene, Oreg.

BPTTV-6040 (new), Willowdale, Oreg., Cross Keys Television Corp. Req: Channel 3, 60-66 MHz, 1 watt. Primary: KOAC-TV, Corvallis, Oreg.

BPTTV-6041 (new), Willowdale, Oreg., Cross Keys Television Corp. Req: Channel 5, 76-82 MHz, 1 watt. Primary: KEZI-TV, Eugene, Oreg.

BPTTV-6042 (new), Springville, Calif., Springville Community TV, Inc. Req: Channel 13, 210-216 MHz, 10 watts. Primary: KFSN-TV, Fresno, Calif.

BPTTV-6043 (new), East Elk Creek, Colo., Garfield County. Req: Channel 6, 82-88 MHz, 1 watt. Primary: KREX-TV, Grand Junction, Colo.

BPTTV-6044 (new), Jones Valley Park, Calif., Jones Valley Park Translator Group. Req: Channel 4, 66-72 MHz, 1 watt. Primary: KHSL-TV, Chico, Calif.

BPTTV-6045 (new), Gakona, Gulkana Village, Glenallen & Surrounding Areas, Alaska, Wrangle Mountain TV Club, Inc. Req: Channel 3, 60-66 MHz, 10 watts. Primary; KTVF-TV, Fairbanks, Alaska.

BPTTV-6046 (new), Hulett, Wyo., Hulett TV Club. Req: Channel 9, 186-192 MHz, 1 watt. Primary: KIVV-TV, Lead, S. Dak.

BPTTV-6047 (K12BR), Virgin, Utah, Washington County Television Dept. Req: Change frequency to Channel 13, 210-216 MHz., change primary TV station to KTVX-TV, Channel 4, Salt Lake City, Utah, increase output power to 10 watts.

BPTTV-6048 (new), Salida & Buena Vista, Colo., Chaffee County TV Translator Association. Req: Channel 2, 54-60 MHz, 1 watt. Primary: KTSC-TV, Pueblo, Colo.

BPTTV-6049 (new), Council Idaho, Council Chamber of Commerce. Req: Channel 9, 186-192 MHz, 1 watt. Primary: KIVI-TV, Nampa, Idaho.

BPTTV-6052 (K13LK), Sheridan & Fort McKenzie, Wyo., Sheridan TV Translator, Inc. Req: Change frequency to Channel 10, 192-198 MHz.

BPTTV-6053 (new), Young Harris, Ga., State Board Of Education Of The State Of Georgia. Req: Channel 4, 66-72 MHz, 1 watt. Primary: WCLP-TV, Chatsworth, Ga.

BPTTV-6054 (new), Crockett Heights, Tex., I & M Communications. Req: Channel 5, 76-82 MHz, 1 watt. Primary: KTXS-TV, Sweetwater, Tex.

UHF TV TRANSLATOR APPLICATIONS

BPTT-3546 (new), Altoona, Pa., John R. Powley. Req: Channel 59, 740-746 MHz, 100 watts. Primary: WPCB-TV, Pittsburgh, Pa.

BPTT-3547 (new), Altoona, Pa., John R. Powley. Req: Channel 63, 764-770 MHz, 20 watts. Primary: WPFO-TV, Greensburg, Pa.

BPTT-3548 (new), Iron Mountain, Mich., U.P. TV Systems, Inc. Req: Channel 67, 788-794 MHz, 20 watts. Primary: WAEO-TV, Rhinelander, Wis.

BPTT-3549 (new), Montrose and rural area, Colo., Storm King TV Association, Inc. Req: Channel 68, 794-800 MHz, 100 watts. Primary: KWGN-TV, Denver, Colo.

BPTT-3551 (new), Columbus, Miss., Southern Television Corp. Req: Channel 61, 752-758 MHz, 100 watts. Primary: WTOK-TV, Meridian, Miss.

BPTT-3552 (new), Macon, Miss., Southern Television Corp. Req: Channel 65, 776-782 MHz, 100 watts. Primary: WTOK-TV, Meridian, Miss.

BPTT-3553 (new), Livingston and Bozeman, Mont., Richards Repeater Service (partnership). Req: Channel 63, 764-770 MHz, 100 watts. Primary: KTVM-TV, Butte, Mont.

BPTT-3554 (new), Livingston and Bozeman, Mont., Richards Repeater Service (partnership). Req: Channel 65, 776-782 MHz, 100 watts. Primary: KULR-TV, Billings, Mont.

BPTT-3555 (new), Alexander and Douglas County, Minn., Central Minnesota Television. Req: Channel 56, 722-728 MHz, 100 watts. Primary: KWCM-TV, Appleton, Minn.

BPTT-3556 (new), Twentynine Palms and Twentynine Palms Marine Base, Calif., Morongo Basin TV Club, Inc. Req: Channel 63, 764-770 MHz, 20 watts. Primary: KTLA-TV, Los Angeles, Calif.

BPTT-3557 (W78AI), Mountain Brook, Vestavia Hill and Cahaba Heights, Ala., Birmingham Television Corp. Req: Change frequency to Channel 68, 794-800 MHz., increase output power to 1,000 watts.

BPTT-3558 (new), Erick, Sayre, and Carter, Okla., Northfork TV Translator System. Req: Channel 64, 770-776 MHz, 100 watts. Primary: KAMR-TV, Amarillo, Tex.

BPTT-3559 (new), Spring Valley Lake, Calif., Spring Valley Lake Association, Inc. Req: Channel 57, 728-734 MHz, 20 watts. Primary: KTTV-TV, Los Angeles, Calif.

BPTT-3560 (new), Spring Valley Lake, Calif., Spring Valley Lake Association, Inc. Req: Channel 60, 746-752 MHz, 20 watts. Primary: KNXT-TV, Los Angeles, Calif.

BPTT-3561 (new), Spring Valley Lake, Calif., Spring Valley Lake Association, Inc. Req: Channel 62, 758-764 MHz, 20 watts. Primary: KNBC-TV, Los Angeles, Calif.

BPTT-3562 (new), Spring Valley Lake, Calif., Spring Valley Lake Association, Inc. Req: Channel 66, 782-788 MHz, 20 watts. Primary: KABC-TV, Los Angeles, Calif.

BPTT-3563 (new), Craig, Colo., Moffat County. Req: Channel 55, 716-722 MHz, 100 watts. Primary: KWGN-TV, Denver, Colo.

BPTT-3564 (new), Craig, Colo., Moffat County. Req: Channel 68, 794-800 MHz, 100 watts. Primary: KRMA-TV, Denver, Colo.

BPTT-3565 (K81BI), Leadville, Buena Vista, Salida and Alamosa, Colo., Pikes Peak Broadcasting Co. Req: Delete Alamosa, Colorado from present principal community.

BPTT-3566 (new), Madras and Culver, Oreg., Ponderosa Television, Inc. Req: Channel 66, 782-788 MHz, 100 watts. Primary: KTVZ-TV, Bend, Oreg.

BPTT-3567 (W78AL), Williamsport, Pa., NEP Communications, Inc. Req: Change frequency to Channel 61, 752-758 MHz.

BPTT-3568 (new), Tucson, Green Valley, Bisbee, Sierra Vista, Sonoita and Patagonia, Ariz. Trinity Broadcasting of Arizona, Inc. Req: Channel 57, 728-734 MHz, 100 watts. Primary: KPAZ-TV, Phoenix, Ariz.

BPTT-3569 (new), Desert Hot Springs, Calif., International Panorama TV, Inc. Req: Channel 60, 746-752 MHz, 100 watts. Primary: KTBN-TV, Fontana, Calif.

[FR Doc. 78-9260 Filed 4-7-78; 8:45 am]

[6712-01]

[Report No. I-451]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted For Filing

MARCH 27, 1978.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations, and its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1). Effective March 6, 1978, all applications accepted for filing will be assigned Call Signs. However these assignments are for administrative purposes only and do not in any way prejudice Commission actions.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

TX—445-DSE-MP-78 Public Communications Foundation for North Texas (KD82), Dallas, Tex. Modification of construction permit to change the status of this station from a developmental to operational.

CORRECTION TO PUBLIC NOTICE REPORT RELEASED MARCH 13, 1978

000356-DSE-P/L-78, KG63, Clay-Platte Home Theatre, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Parkville, Platte, Mo.,

39°11'45" N. Lat., 94°39'51" W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 5 meters, Andrew model ESA5-4HP.

000364-DSE-P/L-78, KG68, Teleservice Corp. of America. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Helena, Phillips, Ark., 34°32'16" N. Lat., 90°37'13" W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 5 meters, scientific Atlanta model 8008B.

000412-DSE-P/L-78, KG85, Cablevision of Canyon, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Canyon, Randall, Tex., 34°58'43" N. Lat., 101°55'28" W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 4.5 meters, Prodelin/137-750.

000414-DSE-P/L-78, KG89, Teleprompter Corp. Application for authority to construct and operate new Earth station. Serv- ice: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Deland, Volusia, Fla., 28°58'7" N. Lat., 81°16'33" W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 6 meters, Harris model 615-003.

000413-DSE-P/L-78, KG90, Teleprompter Corp. Application for authority to construct and operate new Earth station. Class of station: Fixed Earth station. Location: Holly Hill, Volusia, Fla., 29°14'23" N. Lat., 81°3'38" W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 6 meters, Harris model 615-003.

000433-DSE-P/L-78, KG91, Uvalde TV Cable Corp. Application for authority to construct and operate new Earth station. Class of station: Fixed Earth station. Location: Uvalde, Uvalde, Tex., 29°15'38" N. Lat., 99°44'46" W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 6 meters, Harris model 6200.

000432-DSE-P/L-78, KG92, Western Cable Corporation. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Del Rio, Val Verde, Tex., 29°20'43" N. Lat., 100°52'11" W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 6 meters, Harris model 6200.

000431-DSE-P/L-78, KG93, Hill Country Cablevision, Inc. Application for authority to construct and operate new Earth station. Class of station: Fixed Earth station. Location: Kerrville, Kerr, Tex., 30°3'51" N. Lat., 99°8'16" W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 6 meters, Harris model 6200.

000411-DSE-P/L-78, WG93, Teleprompter Corp. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Anna Marie Island, Manatee, Fla., 27°30'39" N. Lat., 82°42'55" W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 6 meters, Harris model 615-003.

000415-DSE-P/L-78, WG97, General Electric Cablevision Corp. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Hattiesburg, Forrest, Miss., 31°14'51" N. Lat., 89°18'47" W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 4.3 meters, scientific Atlanta model 414.

000420-DSE-P/L-78, WG98, Greenville Cablevision Associates. Application for authority to construct and operate new Earth station. Class of station: Fixed Earth station. Location: Greenville, Greenville, S.C., 34°49'24" N. Lat., 82°25'52" W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 5 meters, scientific Atlanta model 8008.

000416-DSE-P/L-78, WG99, Carolina TV Cable Corp. Application for authority to construct and operate new Earth station. Class of station: Fixed Earth station. Location: New Bern, Craven NC., 35°7'22" N. Lat., 77°5'24" W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 5 meters, scientific Atlanta model 8008B.

000434-DSE-P/L-78, WH20, Warner Cable Corp. Application for authority to construct and operate new Earth station. Class of station: Fixed Earth station. Location: Greenville, Greene, Tenn., 36°9'19" N. Lat., 82°49'13" W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9, DBW. Antennas: 6 meters, RF Systems model 806-6-6M.

[FR Doc. 78-9432 Filed 4-7-78; 8:45 am]

[6712-01]

[SS Docket No. 78-123; File Nos. 18766/18767/18768-IB-18]

DAVES PARK COURT STANDARD

Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: March 29, 1978.

Released: April 4, 1978.

In re applications of David J. Ballsteadt, d.b.a. Daves Park Court Standard, 1561 1st Avenue SE., Cedar Rapids, Iowa 52402; for authorizations for new facilities in the business radio service.

1. The Chief, Safety and Special Radio Services Bureau (the Bureau) has before him for consideration the above-captioned applications filed December 29, 1977, by David J. Ballsteadt, d.b.a. Daves Park Court Standard (Ballsteadt) for authorization of new facilities in the Business Radio Service at Cedar Rapids, Iowa. The applications were originally granted by the Bureau, March 10, 1978, but that action was set aside by the Bureau on March 23, 1978, pursuant to § 1.113 of the Commission's rules, because the Bureau after the applications were granted received a signed statement which Ballsteadt had furnished to the Commission's Chicago, Ill., District Office admitting that he knowingly operated the radio facilities for at least 50 days without a license beginning December 15, 1977. Also before the Bureau is a statement signed by Richard C. Erickson and Wesley E. Haley of Radio Communications Co. in Cedar Rapids which installed the radio equipment for Ballsteadt.

2. Ballsteadt's statement asserts that he signed the applications for authorizations in the latter part of October 1977, and that he was told (by whom is not clear) that the processing time at the Commission would be about 60 days. He admits that he later learned that his applications were not received at the Commission until after his December 15, 1977, commencement of unlicensed operation. Ballsteadt's statement concedes that he knew he was operating illegally, but he alleges that he did not understand the seriousness of the matter and his need for the radio facilities was great.

3. Ballsteadt also contends that Robert A. Madrick, a salesman for Racom Corp. in Marshalltown, Iowa, which sold the radio equipment to Ballsteadt, indicated to Ballsteadt that it was illegal to transmit without a license, but advised him nevertheless to use the as yet unlicensed radios because "everyone did." Ballsteadt asserts, in addition, that Mr. Madrick offered to give Ballsteadt the call letters assigned by the Commission to licensed radio users who were sharing the same mobile relay station as Ballsteadt until the Commission granted Ballsteadt's application and assigned call letters to him.

4. The statement from Radio Communications Co. admits that the radios were tuned by its employees to the frequencies sought by Ballsteadt, and on December 15, 1977, 2 weeks before Ballsteadt's applications reached the Commission, were installed for him. Radio Communications Co. alleges, however, that Ballsteadt was warned by its Mr. Haley that the radios were unlicensed and their use would be unlawful.

5. Because Ballsteadt has admitted in writing to the Commission that he knowingly operated radio facilities in the Business Radio Service without authorizations to do so, a serious question exists as to his character qualifications to receive the authorizations which he here seeks. As the Bureau cannot make the requisite finding, pursuant to section 309(a) of the Communications Act of 1934, as amended (the Act), that a grant of Ballsteadt's applications would serve the public interest, convenience, and necessity, the applications must, in accordance with section 309(e) of the Act, be designated for evidentiary hearing. In view of the written statements made to the Commission by Ballsteadt and Radio Communications Co., the Bureau deems it essential that such hearing probe the respective roles of the seller and installer of the radio equipment

which Ballsteadt has admitted using without a license.

6. Accordingly, *It is ordered*, That in accordance with the provision of section 309(e) of the Communications Act of 1934, as amended, (47 U.S.C. 309(e)), the above-captioned applications of David J. Ballsteadt, d.b.a. Daves Park Court Standard, File Nos. 18766/18767/18768-IB-18, are, pursuant to authority delegated in §§ 0.131(a) and 0.331 of the Commission's rules, designated for hearing at Cedar Rapids, Iowa, at a time to be specified at a later date, on the following issues:

(a) To determine if David J. Ballsteadt d.b.a. Daves Park Court Standard has willfully violated the Communications Act of 1934, as amended, and the Commission's rules by operating unlicensed radio facilities in the Business Radio Service.

(b) To determine, in light of the evidence adduced pursuant to issue (a) hereinabove, whether David J. Ballsteadt, d.b.a. Daves Park Court Standard possesses the requisite character qualifications to receive a grant of the applications which are the subject of this proceeding.

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-captioned applications will best serve the public interest, convenience, and necessity.

7. *It is further ordered*, That David J. Ballsteadt, d.b.a. Daves Park Court Standard, Racom Corp., Radio Communications Co. and the Chief, Safety and Special Radio Services Bureau are made parties in this proceeding.

8. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof on the issues specified in paragraph 6 hereinabove are, pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.254 of the Commission's rules, upon David J. Ballsteadt, d.b.a. Daves Park Court Standard.

9. *It is further ordered*, That each of the parties named in paragraph 7 hereinabove, in order to avail itself of the opportunity to be heard, shall within 20 days of the mailing of the notice of designation by the Secretary of the Commission, file with the Commission, in triplicate, a written notice of appearance that it will appear on the date to be fixed for hearing and present evidence on the issues specified in this order, as prescribed in § 1.221 of the Commission's rules.

10. *It is further ordered*, That the Secretary of the Commission shall serve a copy of this order, by Certified Mail, Return Receipt Requested, upon each of the parties (except the Bureau) named in paragraph 7 hereinabove.

FEDERAL COMMUNICATIONS COMMISSION,
CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc. 78—9433 Filed 4-7-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 20, 1978. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

AGREEMENT NO.: T-3130-4.

FILING PARTY: John Michael Clear, Esquire, Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

SUMMARY: Agreement No. T-3130-4, between the Municipality of Anchorage (Port) and Totem Ocean Trailer Express, Inc. (TOTE), Modifies the parties' basic agreement providing for TOTE's preferential berthing rights at the Port's Petroleum Terminal (POL) and Terminal No. 1 and the preferential use of apron, transit area, and trestle facilities at the Anchorage City Dock. Agreement No. T-3130-4 provides for the relocation of the following: (1) Preferential berthing area to the northernmost 848 feet of Terminal No. 3; and (2) preferential use of Transit Area B to Transit Area C and a portion of Transit Area B of approximately 3.5 acres, totalling 9 acres. Use of the south apron adjacent to Terminal No. 1 and the provision dealing with berthing conflicts at the POL Pier and Terminal No. 1 have been deleted from the basic agreement. Annual users charges will increase from $426,625.00 to $451,625.00. Subsequent to this relocation at Terminal No. 3, Port will have no right to require TOTE to relocate during the initial term or any extension thereof. Payment of the Annual Use Fee will not be suspended by any cessation by TOTE of all or any of its operations in Anchorage. Prior to construction, TOTE will provide a guaranty agreement in a form and by a guarantor satisfactory to City.

AGREEMENT NO.: T-3130-A.

FILING PARTY: John Michael Clear, Esquire, Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

SUMMARY: Agreement No. T-3130-A, between Municipality of Anchorage and Totem Ocean Trailer Express, Inc., is a Trestle Construction and Use Agreement which will govern the manner in which the new trestle, pursuant to Agreement No. T-3130-4, will be designed and constructed. Agreement No. T-3130-A is an exhibit to Agreement No. T-3130-4.

AGREEMENT NO.: T-3130-B.

FILING PARTY: John Michael Clear, Esquire, Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

SUMMARY: Agreement No. T-3130-B, between Municipality of Anchorage (Port) and Totem Ocean Trailer Express, Inc. (TOTE), is a Joint Construction Agreement whereby Port, who desires to construct a mooring dolphin, and TOTE, who desires to construct trestles, will combine the construction into one project, with one call for bids, one contract issued and one set of payment estimates. Agreement No. T-3130-B is an exhibit to Agreement NO. T-3130-4.

AGREEMENT NO.: T-2550-A-2.

FILING PARTY: Amy Loeserman Klein, Esquire, Galland, Kharasch, Calkins & Short, Canal Square, 1054 31st Street NW., Washington, D.C. 20007.

SUMMARY: Agreement No. T-2550-A-2, between Sea-Land Service, Inc., (Sea-Land), the Puerto Rico Maritime Shipping Authority (PRMSA) and the Board of Commissioners of the Port of New Orleans (Port), modifies the parties' agreement providing for PRMSA's sublease of certain facilities at the France Road Container Terminal, New Orleans, La., which Sea-Land now leases from the Port pursuant to

Agreement No. T-2550, as amended. The purpose of Agreement No. T-2550-A-2 is to permit PRMSA to continue to use the Sea-Land berth at Container Terminal No. 1 as needed pending the availability of the new container handling crane at the Berth No. 4 facility leased to PRMSA under FMC approved Agreement No. T-3576. Agreement No. T-2550-A-2 provides for the cancellation of certain paragraphs of the basic agreement. In addition, PRMSA shall have the use of Sea-Land's two container cranes and shall pay Sea-Land for that use $300 per hour per crane. PRMSA shall pay to Sea-Land as dockage and wharfage the sum of $6,500 per vessel call, as well as a parking fee of $0.65 per day per space. Harbor fees at the Port incurred by PRMSA vessels shall be for the account of PRMSA.

Dated: April 5, 1978.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-9472 Filed 4-7-78; 8:45 am]

[6730-01]

[Docket No. 78-6]

ADEL INTERNATIONAL DEVELOPMENT, INC. v. PUERTO RICO MARITIME SHIPPING AUTHORITY AND STAR LINES, INC.

Filing of Complaint

Notice is hereby given that a complaint filed by Adel International Development, Inc. against Puerto Rico Maritime Shipping Authority and Star Lines, Inc. was served on April 4, 1978. The complaint alleges violations by respondents of sections 16 First, 17 and 18 of the Shipping Act, 1916, in connection with a shipment of mobile homes from Baltimore, Md. to Damman, Saudi Arabia.

Hearing in this matter, if any is held, shall commence on or before October 4, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY
Secretary.

[FR Doc. 78-9473 Filed 4-7-78; 8:45 am]

[6730-01]

AGREEMENT FILED

Correction

Notice of agreement filed by:

Seymour H. Kligler, Esq., Brauner, Baron, Rosenzweig, Kligler & Sparber, 120 Broadway, New York, N.Y. 10005.

Notice of Agreement No. 10236-1, among the parties to the Latin American Discussion Agreement, which previously appeared in the FEDERAL REGISTER on April 3, 1978 (43 FR 13919), is corrected to set the date by which comments may be submitted as April 14, 1978.

Dated: April 5, 1978.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-9471 Filed 4-7-78; 8:45 am]

[6730-01]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01063	E. B. Aaby's Rederi A/S: *Dryso.*
01077	H. M. Wrangell & Co. A/S: *Minerva.*
01090	Wallem, Steckmest & Co. A/S: *Morviken.*
01123	Getty Marine Corp.: *Los Angeles Getty, George F. Getty II, J. Paul Getty, Alabama Getty, Tulsa Getty, California Getty, Alaska Getty, Massachusetts Getty, Pennsylvania Getty, Veedol, Oklahoma Getty, Texas Getty, Washington Getty.*
01320	Friedrich A. Detjen: *Neckar.*
01361	Transportaction Maritima Mexicana S. A.: *Chihuahua.*
01428	Ocean Transport & Trading Ltd.: *Magda Josefina.*
01466	Common Brothers (Management) Ltd.: *Simonburn.*
01611	Helge R. Myhre: *Hemina, Helios.*
01514	Alframar S.N.C.: *Tito Capanella.*
01910	Deutsche Dampfschifffahrtsgesellschaft Hansa: *Michaelistrum.*
02194	Compagnie Generale Maritime: *Monet.*
02209	Flota Mercante Grancolombiana S.A.: *Ciudad de Barrancabermeja.*
02246	Blue Star Line Ltd.: *Starman Anglia.*
02610	Peter Dohle Schiffahrts-KG: *Renate Wuensche.*
02982	The Shipping Corp. of India, Ltd.: *Har Kisan, State of Andhra Pradesh.*
03214	Saleninvest AB: *English Wasa.*
03256	Riverway Co.: *RW 913, RW 915.*
03294	Companhia de Navegacao Lloyd Brasileiro: *Lloyd Maraba.*
03388	Shell Canada Limited: *Northern Shell.*
03476	Nissin Kisen K. K.: *Japan Olive.*
03483	Sankyo Kaiun Kabushiki Kaisha: *Yue Hope.*
03518	Tokyo Senpaku K. K.: *Pandjang Maru.*
03526	Uwajima Shosen K. K.: *Shinkai Maru.*
03614	A/S Kristian Jebsens Rederi: *Bravenes.*
03623	Crowley Derrick Barges, Inc.: *DB 300.*
03640	Pan Ocean Bulk Carriers, Ltd.: *Pan Fortune, Pan Gloria.*
03655	Ocean Transportation Co., Inc.: *Overseas Aleutian, Overseas Ulla.*
03658	Ocean Tankships Corp.: *Overseas Vivian.*
03749	Halosen Towing Inc.: *Little Boyer.*
03878	Ingram Barge Co., a division of Ingram Corp.: *William F. Earthman.*
03923	Shinwa Kaiun Kaisha, Ltd.: *Miyagi Maru.*
04037	C. F. Bean Corp.: *Booster Barge 607, Barge 561, B-40.*
04462	Empresa Nacional "Elcano" de la Marine Mercante S.A.: *Castillo de Bellver.*
04523	Kabushiki Kaisha Isomae Gyogyosho: *Isomae Maru No. 11.*
04558	Daiei Gyogyo Kabushiki Kaisha: *Daiei Maru No. 2, Daiei Maru No. 8, Daiei Maru No. 37.*
04567	Ken Hieng Navigation (Panama) Corp. S.A.: *Ken Pao.*
04601	American Tunaboat Association: *Rosalie Marie.*
05167	Consorcio Naviero Peruano S.A.: *Pontevedra.*
05437	The Dow Chemical Co.: *Velasco.*
05537	Empresa Navegacion Mambisa: *Lazaro Pena.*
05631	Manson Construction & Engineering Co. *ME 101, ME 102.*
05736	Flota Cubana de Pesca: *Golfo de Batabano.*
05792	Korea Wonyang Fisheries Co., Ltd.: *Beag du San No. 7, Beag du San No. 8.*
05944	Ibaragi Prefectual Government: *Kashima Maru.*
06019	Field Tank Steamship Co. Ltd.: *Tweedfield.*
06075	Mattuna Fisheries Ltd.: *Mattuna Mariner.*
06248	Commercial Corp. Sovrybflot: *Amursk, BMRT Basargin, A. Krainov, RTM Kremenj, Karagaich, BMRT M. Baranova, M. Vaigatch, M. Belkina, M Gamova, Tadjikistan, Rim Pisatelj, M. Grina, M. Voronina, Nadezhdinsk, Oz. Kljutchi, Poima, 50 Let Viksm, Sovgavanj, Ternei, Taishet, Pirit.*
06472	Taiheiyo Kisen Kaisha, Ltd.: *Zuiryu Maru.*
06478	Korea Marine Industry Development Corp.: *Eastern Star.*
06578	Van Nievelt, Goudriaan & Co. B.V.: *Schelderix.*
06709	Ahjin Haewoon Jushik Hosea: *Hangjin.*
06746	Fukada Salvage K.K.: *Obako Maru No. 36.*
06906	Directia Navigatiei Maritime Navrom: *Bocsa, Bicaz, Biriad, Borsec, Botosani, Curtea de Arges, Tomis.*
07171	Flensburger Ubersee-Schiffahrts-Gesselschaft Jacob MBH & Co. K.G.: *Tom Jacob, Wera Jacob.*
07313	Merivienti Oy: *Finnkraft.*
07304	Yhtyneet Paperitehtaat Oy: *Lotila.*
07366	Compagnie Maritime des Chargeurs Reunis: *Erika.*
07943	Skips A/S Solhav & Co.: *Sol Tulla.*
08071	Anglo Nordic Bulkships (Management) Ltd.: *Nordic Clipper.*
08207	Bibby Tankers Ltd.: *Derbyshire.*
08332	Trident Seafoods Corp.: *T & T.*
08530	Prompt Shipping Corp., Ltd.: *Pohai Career, Sibuyan Career.*
08567	A. Martinez & Cia: *Rio Yaque.*
08617	Fairmont Enterprises Ltd.: *Golden River.*
08887	C. A. Naviera de Transporte y Turismo: *Elena Altomare.*
08999	Sause Bros. Ocean Towing Co., Inc.: *Miami Necanicum.*
09088	Dong Won Fisheries Co. Ltd.: *No. 919 Dong Won.*
09204	Sea Alaska Products, Inc.: *Stormy Sea.*
09317	Universal Seafoods, Ltd.: *Vita.*
09325	Inversiones Navieras Imparca C.A.: *Terepaima.*
09622	Man Cheung Yuen Services Ltd.: *Heroinae.*
09792	United Fair Agencies Ltd.: *Gran Hickory.*
10040	Tanker Trading Inc.: *Katrisa.*
10176	Navipac S.A.: *Biniang Utara.*
10189	Kazuyuki Nishikawa: *Chofuku Maru No. 1.*
10260	Hollywood Marine, Inc.: *GS-3000, Hollywood 2200, S-1512, TCB 307.*
10771	Alexandria Shipping & Navigation Co.: *Jordan, King Khaled, Ras el Khaima.*

Certificate No.	Owner/Operator and Vessels
10873	Packer Marine, Inc.: *Duro 900.*
10928	J & J Denholm Ltd.: *Markinch.*
10994	Mr. H. Damhof: *Hoop.*
10997	Spanocean Line Ltd.: *Korshamn.*
11011	Power Corp. of Canada Ltd.: *Fort Chambly.*
11074	Ergon's General Store, Inc.: *GS-1077.*
11124	SC Deckships 2 Ltd.: *Lissette.*
11304	Issei Kaiun Yugen Kaisha: *Eiryu Maru No. 2.*
11363	Spanliverpool Shipping Co.: *Irish Wasa.*
11433	Takamiya Maru Gyogyo K.K.: *Takamiya Maru No. 35, Takamiya Maru No. 52*
11503	Sea Horse marine, Inc.: *STC 101.*
11600	Duchess Shipping Co., Ltd.: *Mariam.*
11667	Ingram Transportation Co.: *IB 1112B, IB 2312B, IB 2023L, IB 2024T, IB 2025L, IB 2026T, IB 2313B, IB 1113B, Alice I. Hooker.*
11711	Simon Mokster: *Neptun Hercules.*
11822	Fairfield Industries (Bermuda) Ltd.: *Aqua Star.*
11828	Kosmos Bulkschiffhart GMBH: *Ingelheim.*
11961	Oy Tankships AB: *Tramontana.*
12065	La Islas Navegacion S.A.: *Minerva Island.*
12116	K. K. Kiyofuji Kaiun: *Kiyofuji Maru No. 11.*
12210	Midstream Fuel Service, Inc.: *KE-43.*
12302	M & O Marine, Inc.: *Ferry Flat No. 3.*
12374	Bayard Line (Maldives) Ltd.: *Shota Maru.*
12434	United Arab Shipping Co. (S.A.G.): *Hijaz.*
12443	D. Arquero Propriedad de Soc. Coop. Emiliano Zapata: *General Zapata.*
12481	Konno Suisan Kabushiki Kaisha: *Eikyu Maru No. 52.*
12866	Dillingham Jebsen Shipping Corp.: *Barknes.*
12887	Caribbean Mini-Tankers Ltd.: *Mini Two.*
12920	China Ocean Shipping Co.: *Fuping.*
12960	Pallas Shipping Agency Ltd.: *World Dignity, World City, World Longevity, World Heritage, World Dynasty, Straits Rose, Straits Dahlia.*
12968	Kornal Trade & Finance Inc.: *Brazilian Trader.*
13005	Garber Bros., Inc.: *Blue Whale.*
13025	Federal Pacific (Liberia) Ltd.: *Federal Calumet, Federal Thames.*
13058	Gulf Brownsville Shipping Ltd.: *Black Builder.*
13070	Thule Reederei GMBH: *Ville d'Orient.*
13106	J. E. Brenneman Co.: *51 Vulcan FX 106, Mars FX 105, Vim FX 138, Atlas FX 132.*
13228	Holyhead Towing Co. Ltd.: *Afon Wen, Afon Goch.*
13264	Glory Maritime Corp. Inc.: *Pacific Princess.*
13321	Pinios Shipping Co. No. 1: *Maira.*
13332	Tenaron Maritime Co.: *Dina.*
13344	Unique Trading K.K.: *Hakubasan Maru.*
13353	Mid Coast Barge Corp.: *Mid Coast 300.*
13380	Grant Contracting Co.: *America, Barge 114.*
13382	Naviera Joaquin Davila y Cia S.A.: *Cobres.*
13400	Miranda Shipping Inc.: *Taharoa Venturer.*
13441	Hidalgo Atlantico Navegacion S.A.: *Jocasta.*
13488	Portland Maritime Panama S.A.: *Olympic Sea.*
13489	Dominion Naviera Panama S.A.: *Olympic Sky.*
13545	Negros Shipping S.A.: *Kofuku Maru.*
13553	Singha Shipping Private Ltd.: *Neptune Iolite.*
13555	Shoei Shipping Co. Ltd.: *Pennsylvania Rainbow.*
13559	Andre Ledoux Inc.: *VBS 101, VBS 102.*
13616	Temis Shipping Co.: *Topaz Islands.*
13617	Edyju S.A.: *Opal Islands.*
13619	Global Marine Overseas: *Amber Island.*
13620	Manzper Corp.: *Agate Island.*
13621	Narygar Investment Inc.: *Ivory Island.*
13628	Gynerium Shipping Corp.: *Athens Day.*
13629	Hexisia Inc.: *Athens Sun.*
13633	Skua Navigation Ltd.: *Star World.*
13637	Transportes Maritimos Mexico, S.A.: *Sonora, Tepic.*
13651	Captain Fedna J.B. Stoll: *Cranborne, Saetre.*
13659	Gannel Shipping Co. Ltd.: *Ocean Valour.*
13673	Polydimamos Shipping Inc.: *Golden Polydimamos.*
13675	Eastern Harmony Marine Investment: *Eastern Harmony.*
13684	Bibby Transport Ltd.: *Northhamptonshire.*
13685	Virtue Shipping Corp.: *Oinoussian Virtue.*
13686	Doxa Navigation Ltd.: *Doxa.*
13697	Ever Victory Line Corp.: *Ever Victory.*
13704	Concord Carriers Ltd.: *Flora C, Sophie C.*
13708	Prestige Shipping Corp.: *Oinoussian Prestige.*
13711	Shipmonde Third Shipping Co. S.A.: *Med Freezer.*
13712	Interocean Transportation Co., Ltd.: *Sol Reefer.*
13721	Unimed Shipping Inc.: *Ioannis.*
13720	Avena Shipping Co. Ltd. of Monrovia: *South Glory.*
13725	Dafra Tramping Inc.: *Shetland.*
13726	Dafra Liners Inc.: *Nigeria.*
13731	Naess Shipping (Holland) B.V.: *Sunny Girl.*
13732	Partsrederiet Wilhelmsen Offshore Service: *Tender Contes, Tender Captain, Tender Carrier, Tender Searcher, Tender Pull, Tender Trigger, Tender Commander, Tender Clipper, Tender Senior, Tender Power, Tender Tarpon, Tender Trumpet.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-9474 Filed 4-7-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

FIRST-TAYLOR FINANCIAL CORP.

Formation of Bank Holding Company

First-Taylor Financial Corp., Taylor, Tex., 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 80 percent of the voting shares of First-Taylor National Bank, Taylor, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 1, 1978.

Board of Governors of the Federal Reserve System, April 3, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-9415 Filed 4-7-78; 8:45 am]

[6210-01]

MID-AMERICA BANCSHARES, INC.

Acquisition of Bank

Mid-America Bancshares, Inc., Kansas City, Mo., has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Metro Insurance Agency, Inc., Kansas City, Mo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Mid-America Bancshares, Inc., Kansas City, Mo., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and §225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain the insurance agency assets presently owned by Metro Insurance Agency, Inc., and thereby engage in the sale of insurance directly related to extensions of credit by The Metropolitan Bank, Kansas City, Mo., and The Pleasant Hill Bank, Pleasant Hill, Mo., and to engage de novo in this activity through the Lathrop Bank, Lathrop, Mo. Notice of the application was published on February 28, 1978, in The Kansas City Star, a newspaper circulated in Kansas City, Mo., and on March 2, 1978, in the Pleasant Hill Times, a newspaper circulated in Cass County, Mo.

Applicant states that the proposed subsidiary would engage in the activities of selling reducing term life insurance, credit accident and health insurance, and level term credit life insurance on single payment demand notes directly related to extensions of credit by the banks named above. 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 April 27, 1978.

Board of Governors of the Federal Reserve System, March 31, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-9413 Filed 4-7-78; 8:45 am]

[6210-01]

POLK COUNTY BANCO, INC.

Formation of Bank Holding Company

Polk County Banco, Inc., Centuria, Wis., 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 90 percent or more of the voting shares of Polk County Bank, Centuria, Wis. 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 Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than April 30, 1978.

Board of Governors of the Federal Reserve System, April 3, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-9414 Filed 4-7-78; 8:45 am]

[6210-01]

TENNESSEE HOMESTEAD CO.

Acquisition of Bank

Tennessee Homestead Co., Ogden, Utah, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire an additional 1.62 percent or more of the voting shares of Bank of Utah, Ogden, Utah. 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 San Francisco. 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 April 26, 1978.

Board of Governors of the Federal Reserve System, April 3, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-9421 Filed 4-7-78; 8:45 am]

[1505-01]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

STATE PLANNING COMMISSIONS PROGRAM—INTRASTATE PLANNING

Closing date for Fiscal Year 1978 for Receipt of Applications from Postsecondary Education Commissions for Statewide Comprehensive Planning Grants.

Correction

In FR Doc. 78-8191 appearing on page 12758 in the issue of Monday, March 27, 1978, in the heading and in the 1st paragraph, the 8th line, the word, "interstate" should read, "intrastate".

[4110-85]

Public Health Service

QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS

Notice is hereby given, pursuant to 42 CFR 110.605, that in the month of February 1978 the following entities have been determined to be qualified health maintenance organizations under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)).

QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS

NAME, ADDRESS SERVICE AREA, AND DATE OF QUALIFICATION

(*Operational Qualified Health Maintenance Organizations: 42 CFR 110.603(a)*)

1. South Los Angeles Community Health Plan/CompreCare (Individual Practice Association Model, see section 1310(b)(2)(A) of the Public Health Service Act), 1731 West Barbara Avenue, Los Angeles, Calif. 90062. Service area: The zip codes included in the area are as follows:

LOS ANGELES COUNTY, CALIF.

90001, 90002, 90003, 90004, 90005, 90006, 90007, 90008, 90010, 90011, 90012, 90013, 90014, 90015, 90016, 90017, 90018, 90019, 90020, 90021, 90022, 90023, 90024, 90025, 90026, 90027, 90028, 90029, 90031, 90032, 90033, 90034, 90035, 90036, 90037, 90038, 90039, 90040, 90041, 90042, 90043, 90044, 90045, 90046, 90047, 90048, 90049, 90056, 90057, 90058, 90059, 90061, 90062, 90063, 90064, 90065, 90066, 90067, 90068, 90069, 90071, 90201, 90210, 90211, 90212, 90220, 90221, 90222, 90230, 90240, 90241, 90242, 90245, 90246, 90247, 90248, 90249, 90250, 90255, 90260, 90262, 90266, 90270, 90272, 90280, 90291, 90301, 90302, 90303, 90304, 90305, 90401, 90402, 90403, 90404, 90405, 90640, 90660, 90706, 90723, 91030, 91108, 91201, 91202, 91203, 91204, 91205, 91206, 91207, 91208, 91316, 91335, 91356, 91401, 91402, 91403, 91404, 91405, 91406, 91411, 91423, 91436, 91501, 91502, 91503, 91504, 91505, 91506, 91522, 91601, 91602, 91603, 91604, 91605, 91606, 91607, 91608, 91609, 91731, 91732, 91733, 91734, 91754, 91770, 91775, 91776, 91780, 91801, 91802, 91803.

Date of qualification: February 10, 1978.

2. Group Health of El Paso, Inc. (Medical Group Model, see section 1310(b)(1) of the Public Health Service Act), Eastwood Medical Center, 10301 Gateway West, El Paso, Tex. 79925. Service area: County of El Paso, Tex. Date of qualification: February 27, 1978.

Files containing detailed information regarding qualified health maintenance organizations will be available for public inspection between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, at the Division of Health Maintenance Organizations Qualification and Compliance, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Room 16A-08, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

Questions about the review process or requests for information about qualified health maintenance organizations should be sent to the same office.

Dated: April 3, 1978.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

[FR Doc. 78-9441 Filed 4-7-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 62828]

WYOMING

Application

MARCH 30, 1978.

Notice is hereby given that pursuant to section 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185) Northwest Pipeline Corp. of Salt Lake City, Utah filed an application for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 14N., R. 109 W.,
Sec. 1.
T. 15N., R. 109 W.,
Secs. 10, 14, 23, 26, 35 and 36.

The pipeline will transport natural gas from a proposed valve assembly site in section 1, T. 14 N., R. 109 W., to an existing compressor station in section 10, T. 15 N., R. 109 W., in Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be ap-

proved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyo. 82901.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-9378 Filed 4-7-78; 8:45 am]

[4310-84]

[W-62917]

WYOMING

Application

MARCH 30, 1978.

Notice is hereby given that pursuant to sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah 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. 24 N., R. 111 W.,
Sec. 3, Lots 12, 13, 14 and 19.
T. 25 N., R. 111 W.,
Sec. 35, W½SE¼.

The proposed pipeline will transport natural gas from the U.S.A. No. 1 well located in the NW¼SE¼ of Section 35, T. 25 N., R. 111 W., Sweetwater County to a point in Lot 19, T. 24 N., R. 111 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, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-9377 Filed 4-7-78; 8:45 am]

[4310-31]

Geological Survey

SAFETY AND POLLUTION-PREVENTION STANDARDS PROGRAM

Meeting

Notice is hereby given that a public meeting will be held to discuss the quality assurance program for safety and pollution-prevention equipment used during oil and gas operations on the Outer Continental Shelf. More specifically, the American National Standards ANSI/ASME OCS-1-1977, "Quality Assurance and Certification of Safety and Pollution-Prevention Equipment Used in Offshore Oil and Gas Operations," and ANSI/ASME OCS-2-1977, "Accreditation of Testing Laboratories for Safety and Pollution-Prevention Equipment Used in Offshore Oil and Gas Operations," will be discussed and their application to existing and future equipment standards. At this meeting, brief remarks will be made by the Chairman of the main American Society of Mechnical Engineers (ASME) committee and the Chiarmen of the subcommittees which developed the Standards. The intended use of the Standards by the Geological Survey will be outlined by a Geological Survey representative. The viewpoint of an OCS Operator will be presented along with the viewpoint of a representative of the American Wellhead Equipment Manufacturers Association. Time will be provided for a question and answer period.

The meeting will be held in Room 118 of the Astrohall, Houston, Tex., from 2 p.m. to 5 p.m. on May 8, 1978. Although the meeting is being held in conjunction with the Offshore Technology Conference, it will be a public meeting, and registration at the conference will not be required.

For further information, contact Richard B. Krahl, Chief, Branch of Marine Oil and Gas Operations, U.S. Geological Survey, telephone 703-860-7531.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 78-9376 Filed 4-7-78; 8:45 am]

[4310-70]

National Park Service

NATIONAL MONUMENTS, PRESERVES, AND PRIMITIVE AREAS

Review for Class I Redesignation Recommendation

AGENCY: Department of the Interior.

ACTION: The Clean Air Act, Section 164(d), directs the Federal Land Manager to "review all national monuments, primitive areas, and national preserves" and to "recommend any appropriate areas for redesignation as Class I where air quality related values are important attributes of the area." In compliance with the act, the Secretary of the Interior is reviewing the 82 national monuments and 2 national preserves in the National Park System and the 11 primitive areas administered by the Bureau of Land Management (See Appendix) to determine whether Class I redesignation should be recommended. The Secretary has assigned lead responsibility for the review to the Assistant Secretary for Fish and Wildlife and Parks. The National Park Service, with the assistance of the Bureau of Land Management, has formed a task force to assist and support the review effort. The Secretary is to report his recommendations, with supporting analysis, to Congress and the affected States by August 8, 1978.

PURPOSE: The purposes of this notice are to (1) inform the public of the areas under review by the Secretary of the Interior, (2) describe the procedure to be used in the review process, and (3) provide the public and the States opportunity to consult and comment on the area's air quality related values and the appropriateness of Class I redesignation of areas under review.

CONSULTATION WITH STATES: The Clean Air Act, Section 164(d), requires consultation with the appropriate States in developing the recommendation for redesignation. A copy of this FEDERAL REGISTER Notice has been sent to each Statewide A-95 Clearinghouse. All States are invited to consult with departmental representatives and to provide written comments as outlined in the public participation section below.

PUBLIC PARTICIPATION: Public comment is requested on (1) the importance of the air quality related values of the areas under review and (2) the appropriateness of Class I redesignation of the areas under review.

Opportunity for the public to consult with agency personnel regarding the review will be provided at the regional offices of the National Park Service and the State offices of the Bureau of Land Management during May 1-11, 1978. For information on the time and place for the consultation, please contact the officials listed below at the National Park Service Regional Office, for national monuments and preserves, and the Bureau of Land Management State Office, for the primitive areas, where the study area is located. See Appendix for identification of regions and States in which the study area is located.

NATIONAL PARK SERVICE REGIONAL OFFICES

North Atlantic Region: William Anderson, NPS-NARO, 15 State St., Boston, Mass. 02109, telephone, 617-223-7765.

Mid-Atlantic Region: Joseph Karban, NPS-MARO, 134 South 3d St., Philadelphia, Pa. 19106, telephone, 215-597-7018.

Southeast Region: Ray Hermann, NPS-SERO, 1895 Phoenix Blvd., Atlanta, Ga. 30349, telephone, 404-996-2520.

Midwest Region: Richard W. Ketcham, NPS-MWRO, 1709 Jackson St., Omaha, Nebr. 68102, telephone, 402-221-3471.

Western Region: James Agee, NPS-WRO, 450 Golden Gate Ave., Box 36063, San

Francisco, Calif. 94102, telephone, 415-556-4122.
Southwest Region: Roland Wauer, NPS-SWRO, Old Santa Fe Trail, Santa Fe, N. Mex. 87501, telephone, 505-988-6412.
Rocky Mountain Region: George Neusaenger, NPS-RMRO, P.O. Box 25287, Denver, Colo. 80225, telephone, 303-234-3095.
Pacific Northwest Region: Glenn D. Gallison, NPS-PNRO, 1424 4th Ave., Seattle, Wash. 98101, telephone, 206-442-5542.

BUREAU OF LAND MANAGEMENT STATE OFFICES

Arizona: Collis Lovely, 2400 Valley Bank Center, Phoenix, Ariz. 85073, telephone, 602-261-3873.
California: Lois Payne, Federal Building, Sacramento, Calif. 95825, telephone, 916-484-4676.
Colorado: John Russiff, Colorado State Bank Bldg., Denver, Colo. 80202, telephone, 303-837-4325.
Montana: William Noble, Granite Tower Bldg., 222 North 32d St., Billings, Mont. 59101, telephone, 406-657-6461.
Utah: William Wagoner, University Club Bldg., 136 South Temple St., Salt Lake City, Utah 84111, telephone, 801-524-5311.
Wyoming: Thomas Lukow, Federal Bldg., Cheyenne, Wyo. 82001, telephone, 307-778-2326.

Only written comments received by May 15, 1978 will become part of the formal agency record. Comments may be delivered to agency personnel during consultation or mailed to the National Park Service at the following address:

Director, National Park Service, Attention: 460, Department of the Interior, 18th and C Sts. NW., Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION: The Concept and the Procedure for the Prevention of Significant Deterioration of Air Quality. In 1974, the Enviromental Protection Agency (EPA) issued regulations for the prevention of significant deterioration of air quality (PSD) under the 1970 version of the Clean Air Act (Pub. L. 90-604). These regulations established a plan for protecting areas that possess air quality which is cleaner than the national ambient air quality standards (NAAQS). Under EPA's regulatory plan, clean air areas of the Nation could be designated as one of three "Classes". The plan permitted specified numerical "increments" of air pollution increases from major stationary sources for each for each Class, up to a level considered to be "significant" from that area. Class I provided extraordinary protection from air quality deterioration and permitted only minor increases in air pollution levels. Under this concept, virtually any increase in air pollution in these pristine areas would be considered significant. Class II increments permitted increases in air pollution levels such as would usually accompany well-controlled growth. Class III increments permitted increases in air pollution levels up to the NAAQS.

Sections 160-16 were added to the act by the Clean Air Act Amendments of 1977 (Pub. L. 95-95). These amendments adopt the basic concept of the above administratively developed procedure of allowing incremental increases in air pollutants by Class. Through these amendments, Congress also provided a mechanism to apply a practical adverse impact test which did not exist in the EPA regulations.

Whereas the earlier EPA regulatory process had not resulted in the Class I designation of any Federal lands, the 1977 Amendments designated certain Federal lands Class I. All international parks, national memorial parks and national wilderness areas exceeding 5,000 acres, and national parks exceeding 6,000 acres, are designated Class I. These 158 areas may not be redesignated to another Class through State or administrative action. The remaining areas of the country are initially designated Class II. Within this category, certain Federal lands, including national monuments, national preserves, primitive areas, national wild and scenic rivers, national wildlife refuges, national lakeshores and seashores, and new national park and wilderness areas which are established after August 7, 1977, if over 10,000 acres in size, are Class II "floor areas" and are ineligible for redesignation to Class III.

Although the earlier EPA regulatory process allowed redesignation by the Federal Land Manager, the 1977 Amendments place the general redesignation responsibility with the States. The Federal Land Manager only has an advisory role in the redesignation process, and may recommend redesignation to the appropriate State or to Congress. However, the undertaking of the study which is the subject of this notice is not an exercise of this general advisory authority as the review is specifically required by Section 164(d) of the act.

Class I status provides protection to areas by requiring any new major emitting facility (generally a large point source of air pollution—see section 169(1) of act for definition) in the vicinity to be built in such a way and place as to insure no adverse impact on the Class I air quality related values.

The permit may be issued if the Class I increment will not be exceeded, unless the Federal Land Manager demonstrates to the satisfaction of the State that the facility will have an adverse impact on the Class I air quality related values.

The permit must be denied if the Class I increment will be exceeded, unless the applicant receives certification from the Federal Land Manager that the facility will not adversely affect the Class I air quality related values. Then the permit may be issued even though the Class I increment will be exceeded (up to the Class I' increment—see table below).

MAXIMUM ALLOWABLE INCREASE PER CLASS

[In micrograms per cubic meter]

	Class I	I'	II	III
Particulate matter:				
Annual geometric mean	5	19	19	37
24 hr maximum	10	37	37	75
Sulfur dioxide:				
Annual arithmetic mean	2	20	20	40
24 hr maximum	5	91	91	182
3 hr maximum	25	325	512	700

The Clean Air Act, Section 165, also provides in very limited situations for permit issuance based on an SO_2 variance if the applicant does not receive certification from the Federal Land Manager. The permit may be issued based on specified SO_2 emission levels higher than the Class I increment or not more than eighteen days in any annual period. The variance is available when the Governor determines that there will be no adverse impact on the Class I air quality related values. If the Federal Land Manager does not concur in this determination, then the President decides whether issuance of the permit is in the national interest.

ANALYSIS PROCEDURE: An area will be recommended for Class I redesignation if it possesses air quality related values as an important attribute and it is determined that redesignation is appropriate. The analysis procedure consists of steps designed to elicit information relevant to these two steps.

Step 1.—Is the area of such small size, with its resources so interdependent of those of the surrounding region, that redesignation is impractical?

Many of the smaller study areas have resources which are highly interdependent with those of the surround-

ing region such that special air quality protection for such areas beyond that provided the surrounding region will not produce noticeable benefit within the area. In this sense Class I redesignation of higher interdependent areas may be impractical.

Congress utilized a minimum size threshhold in its initial designation of Class I areas. In the 1977 Amendments, Congress designated as Class I national wilderness areas exceeding 5,000 acres, national memorial parks exceeding 5,000 acres, national parks exceeding 6,000 acres, and all international parks (the only international park, Roosevelt Campobello in New Brunswick, Canada is 2,721 acres). The minimum size threshhold used by Congress eliminated and national park and four national wilderness areas that would have been designated if minimum size were not a criterion.

Following this criterion of practicality established in the Clean Air Act, a 5,000 acre minimum size threshhold will be applied in this review. Study areas in excess of 5,000 acres are presumed practical for redesignation in Step 1. Study areas of 5,000 acres or less are considered impractical to redesignate to Class I, unless the Step 1 analysis indicates that the resources of the area are sufficiently independent of those of the surrounding region such that it is practical to protect the air quality related values of these resources to a level higher than the level of protection afforded the surrounding region.

Step 2.—Are air quality related values important attributes of the area?

The purpose of this step is to analyze the air quality related values of the area to determine whether they are important attributes of the area.

Air quality related values are all those values possessed by an area except those that are not affected by changes in air quality and include all those assets of an area whose vitality, significance, or integrity is dependent in some way upon the air environment. These values include visibility and those scenic, cultural, biological, and recreational resources of an area that are affected by air quality.

Important attributes of an area are those values or assets that make an area significant as a national monument, preserve, or primitive area. They are the assets that are to be preserved if the area is to achieve the purposes for which it was set aside.

Ten of the national monuments under review contain wilderness of over 5,000 acres which is designated Class I by the 1977 Amendments. Congress determined that it is necessary to afford extraordinary protection to the air quality related values of these areas. The resources of the non-wilderness should be compared with those of the wilderness within the study area to determine the extent to which the air quality related values for these areas are similar. Similar resource values in the wilderness and non-wilderness areas within the area under review indicates that the non-wilderness area also possesses air quality related values as important attributes.

Step 3.—What effect will Class I redesignation have on planned major emitting facilities?

Major emitting facilities (MEF) are large point sources of air pollution, defined at Section 169(1) of the Act. Information concerning the MEF that are presently being developed or planned within 100 miles of the area will be obtained from EPA.

If a MEF is presently planned in the vicinity of an area, a determination will be made as to whether or not the Class I increments within the area will be exceeded by operation of the MEF. If the increments will not be exceeded, then it is concluded that redesignation will have no significant effect upon the MEF.

If the Class I increments will be exceeded, then it is concluded that redesignation may have an effect on the MEF and that redesignation to Class I may require relocation and redesign of the MEF.

Step 4.—It is in the public interest to redesignate the area as Class I?

For those areas wherein Class I status may be practical and which possess air quality related values as important attributes, Class I redesignation may not be appropriate due to the effect redesignation will have on planned MEF. A determination will be made in this step as to whether the public interest is better served by redesignation or by maintaining existing Class II status.

Step 5.—Findings.

This step will draw conclusions, and recite recommendations. The recommendations made here will constitute the opinion of the Secretary of the Interior and will be the basis for his advisory report to Congress and the affected States.

Conclusions will be made concerning:

The practicality of Class I status.
The presence of air quality related values as important attributes.
The effect of Class I status on MEF.
The public interest associated with Class I redesignation.

Recommendations for Class I redesignation will be made for those appropriate areas where air quality related values are important attributes.

Dated: April 1, 1978.

ROBERT E. HERBST,
Assistant Secretary of the Interior.

APPENDIX.—*National Monuments and National Preserves under review for recommendation to redesignate as Class I under Clean Air Act Section 164(d)*

Area name [1]	State	Region [2]	Acreage		Federal wilderness acres already designated Class I	Establishing authority [3]
			Federal	Gross		
Russell Cave NM	Alabama	SE	310.45	310.45		P.L. 59-209, Proc. 3413.
Canyon de Chelly NM	Arizona	SW	0	83,840.00		P.L. 71-667, Proc. 1692.
Casa Grande NM	do	W	472.50	472.50		P.L. 59-209, Proc. 1470.
Chiricahua NM	do	W	10,645.90	10,648.25	9,440	P.L. 92-593.
Hohokam Pima NM	do	W	0	1,555.40		P.L. 92-525.
Montezuma Castle NM	do	W	824.92	841.75		P.L. 59-209, Proc. 696.
Navajo NM	do	SW	360	360.00		P.L. 59-209, Proc. 893.
Organ Pipe Cactus NM	do	W	329,199.10	330,688.86		P.L. 59-209, Proc. 2032.
Pipe Spring NM	do	RM	40.00	40.00		P.L. 59-209, Proc. 1663.
Saguaro NM	do	W	79,863.46	83,576.07	71,400	P.L. 59-209, Proc. 1721.
Sunset Crater NM	do	SW	3,040	3,040.00		P.L. 59-209, Proc. 1911.
Tonto NM	do	W	1,120	1,120.00		P.L. 59-209, Proc. 787.
Tumacacori NM	do	W	10.15	10.15		P.L. 59-209, Proc. 821.
Tuzigoot NM	do	W	57.78	57.78		P.L. 59-209, Proc. 2344.
Walnut Canyon NM	do	W	2,011.62	2,249.46		P.L. 59-209, Proc. 1318.
Wupatki NM	do	SW	35,353.24	35,253.24		P.L. 59-209, Proc. 1721.

APPENDIX.—*National Monuments and National Preserves under review for recommendation to redesignate as Class I under Clean Air Act Section 164(d)*—Continued

Area name [1]	State	Region [3]	Acreage		Federal wilderness acres already designated Class I	Establishing authority [2]
			Federal	Gross		
Glacier Bay NM	Alaska	PN	2,805,071.54	2,805,769.49		P.L. 59-209, Proc. 1733.
Katmai NM	do	PN	2,792,131.73	2,792,150.74		P.L. 59-209, Proc. 1487.
Cabrillo NM	California	W	143.94	143.94		P.L. 59-209, Proc. 1255.
Channel Islands NM	do	W	18,384.97	18,388.07		P.L. 59-209, Proc. 2281.
Death Valley NM	California, Nevada	W	2,048,948.10	2,067,795.06		P.L. 59-209, Proc. 2028.
Devils Postpile NM	California	W	798.46	798.46		P.L. 59-209, Proc. 1166.
Joshua Tree NM	do	W	547,789.59	559,959.79	429,690	P.L. 59-209, Proc. 2193.
Lava Beds NM	do	W	46,821.33	46,821.33	28,460	P.L. 59-209, Proc. 1755.
Pinnacles NM	do	W	14,177.77	16,215.67	12,952	P.L. 59-209, Proc. 796.
Muir Woods NM	do	W	514.32	553.55		P.L. 59-209, Proc. 793.
Black Canyon of the Gunnison NM	Colorado	RM	13,363.14	13,672.13	11,180	P.L. 59-209, Proc. 2033.
Colorado NM	do	RM	19,744.96	20,444.67		P.L. 59-209, Proc. 1126.
Dinosaur NM	do	RM	203,629.17	211,053.45		P.L. 59-209, Proc. 1313.
Florissant Fossil Beds NM	do	RM	5,992.32	5,992.32		P.L. 91-60.
Great Sand Dunes NM	do	RM	36,426.16	36,826.50	33,450	P.L. 59-209, Proc. 1994.
Hovenweep NM	Colorado, Utah	RM	785.43	785.43		P.L. 59-209, Proc. 1654.
Yucca House NM	Colorado	RM	10.00	10.00		P.L. 59-209, Proc. 1549.
Big Cypress NPres	Florida	SE	52,379.70	57,000.00		P.L. 93-440.
Biscayne NM	do	SE	95,070.84	103,701.23		P.L. 90-606.
Castillo de San Marcos NM	do	SE	19.78	20.49		P.L. 59-209, Proc. 1713.
Fort Jefferson NM	do	SE	47,125	47,125		P.L. 59-209, Proc. 2112.
Fort Matanzas NM	do	SE	298.51	298.51		P.L. 59-209, Proc. of Oct. 15, 192.
Fort Fredericka NM	Georgia	SE	210.72	214.52		P.L. 74-617.
Fort Pulaski NM	do	SE	5,365.13	5,615.50		P.L. 59-209, Proc. 1713.
Ocmulgee NM	do	SE	683.48	683.48		P.L. 73-350.
Craters of the Moon NM	Idaho	PN	53,545.05	53,545.05	43,243	P.L. 59-209, Proc. 1694.
Effigy Mounds NM	Iowa	MW	1,474.63	1,474.63		P.L. 59-209, Proc. 2860.
Saint Croix Island NM	Maine	NA	22.19	35.39		P.L. 81-87.
Fort McHenry NM and Historic Shrine.	Maryland	MA	43.26	43.26		P.L. 76-383.
Grand Portage NM	Minnesota	MW	709.97	709.97		P.L. 85-910.
Pipestone NM	do	MW	281.78	281.78		P.L. 75-364.
George Washington Carver NM	Missouri	MA	210.00	210.00		P.L. 78-148.
Custer Battlefield NM	Montana	RM	765.34	765.34		P.L. 79-332.
Agate Fossil Beds NM	Nebraska	MW	2,736.73	3,054.43		P.L. 89-33.
Homestead NM of America	do	MW	182.11	194.57		P.L. 74-480.
Scotts Bluff NM	do	MW	2,708.80	2,987.97		P.L. 59-209, Proc. 1547.
Lehman Caves NM	Nevada	W	640.00	640.00		P.L. 59-209, Proc. 1618.
Aztec Ruins NM	New Mexico	SW	27.14	27.14		P.L. 59-209, Proc. 1923.
Bandelier NM	do	SW	29,661.20	36,971.20	23,267	P.L. 59-209, Proc. 1332.
Capulin Mountain NM	do	SW	775.38	775.38		P.L. 59-209, Proc. 1340.
Chaco Canyon NM	do	SW	20,990.27	21,510.32		P.L. 59-209, Proc. 740.
El Morro NM	do	SW	1,039.92	1,278.72		P.L. 59-209, Proc. 695.
Fort Union NM	do	SW	720.60	720.60		
Gila Cliff Dwellings NM	do	SW	533.13	533.13		P.L. 59-209, Proc. 781.
Gran Quivira NM	do	SW	610.94	610.94		P.L. 59-209, Proc. 882.
Pecos NM	do	SW	341.30	364.80		P.L. 89-54.
White Sands NM	do	SW	144,751.77	145,334.76		P.L. 59-209, Proc. 2025.
Castle Clinton NM	New York	NA	1.00	1.00		P.L. 79-721.
Fort Stanwix NM	do	NA	15.52	15.52		P.L. 74-291.
Statue of Liberty NM	do	NA	58.38	58.38		P.L. 59-209, Proc. 1713.
Mound City Group NM	Ohio	MW	67.50	67.50		P.L. 59-209, Proc. 1653.
John Day Fossil Beds NM	Oregon	PN	2,035.00	14,402.00		P.L. 93-486.
Oregon Caves NM	do	PN	465.80	465.80		P.L. 59-209, Proc. 876.
Congaree Swamp NM	South Carolina	SE	0	15,135.00		P.L. 94-545.
Fort Sumter NM	do	SE	64.27	64.27		P.L. 80-504.
Badlands NM	South Dakota	RM	152,289.56	242,302.33	64,250	P.L. 70-1021, Proc. 2320.
Jewel Cave NM	do	RM	1,274.56	1,274.56		P.L. 59-209, Proc. 799.
Alibates Flint Quarries and Texas Panhandle Pueblo Culture NM.	Texas	SW	92.56	92.56		P.L. 89-154.
Big Thicket NPres	do	SW	10,579.02	84,550.00		P.L. 93-439.
Cedar Breaks NM	Utah	RM	6,154.60	6,154.60		P.L. 59-209, Proc. 2054.
Rainbow Bridge NM	do	RM	160.00	160.00		P.L. 59-209, Proc. 1041.
Natural Bridges NM	do	RM	7,779.14	7,779.14		P.L. 59-209, Proc. 804.
Timpanogos Cave NM	do	RM	250.00	250.00		P.L. 59-209, Proc. 1640.
Booker T. Washington NM	Virginia	MA	223.92	223.92		P.L. 84-464.
George Washington Birthplace NM	do	MA	455.98	455.98		P.L. 71-34.
Buck Island Reef NM	Virgin Islands	SE	880.00	880.00		P.L. 59-209, Proc. 3443.
Devils Tower NM	Wyoming	RM	1,346.91	1,346.91		P.L. 59-209, Proc. 658.
Fossil Butte NM	do	RM	7,417.64	8,178.00		P.L. 92-537.

[1] National Monument is abbreviated as NM and National Preserve is abbreviated as NPres.
[2] Presidential Proclamation is abbreviated as Proc., Public Law is abbreviated as P.L.
[3] The National Park Service regions are abbreviated as follows: PN—Pacific Northwest, RM—Rocky Mountain, W—Western, SW—Southwest, MW—Midwest, NA—North Atlantic, MA—Mid-Atlantic, NC—National Capital and SE—Southeast.

BLM PRIMITIVE AREAS UNDER REVIEW FOR RECOMMENDATION TO REDESIGNATE CLASS I UNDER CLEAN AIR ACT SEC. 164(d)

Area name	State	Acreage		Establishing authority[1]
		Federal	Gross	
Aravaipa Canyon	Arizona	5,107	5,107	34 Fed. Reg. 642.
Paiute	do	35,092	35,092	40 Fed. Reg. 44168.
Paria Canyon	Arizona, Utah	27,515	27,515	34 Fed. Reg. 642.
Chemise Mountain	California	3,941	3,941	40 Fed. Reg. 44341.
Powderhorn	Colorado	40,400	40,400	38 Fed. Reg. 23427.
Beartrap Canyon	Montana	2,861	2,861	37 Fed. Reg. 18573.
Centennial	do	24,166	24,166	40 Fed. Reg. 32848.
Humbug Spires	do	7,041	7,041	37 Fed. Reg. 18573.
Dark Canyon	Utah	57,248	57,248	35 Fed. Reg. 18337.
Grand Gulch	do	24,080	24,080	35 Fed. Reg. 14859.
Scab Creek	Wyoming	6,680	6,680	40 Fed. Reg. 26721.

[1]These lands were set aside for management as "primitive areas" pursuant to 43 CFR, pt. 207. The significance of the designation arises out of 43 CFR, subpt. 6221, which provides for restricted use of lands within the designated primitive areas.

[FR Doc. 78-9277 Filed 4-7-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-47]

CERTAIN FLEXIBLE FOAM SANDALS

Preliminary Conference

Notice is hereby given that a Preliminary Conference will be held in connection with the above styled investigation at 11 a.m. (e.s.t.) on Wednesday, April 12, 1978, by means of telephone conference call. Notice of this investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7060). The purposes of this preliminary conference are to establish a discovery schedule, to discuss the procedures to be followed in pursuing such discovery, to set the dates for the Prehearing Conference, and to resolve any other matters necessary to the conduct of this investigation.

Parties desiring to participate in this conference shall contact the chambers of the undersigned Presiding Officer at, 202-724-0070 by 5:15 p.m. (e.s.t.) on April 11, 1978, indicating an intention to participate and appropriate telephone number.

If any questions should arise not covered by these instructions, the parties or their counsel shall call the chambers of the undersigned Presiding Officer.

The Secretary shall serve a copy of this Notice upon all parties of record and shall publish it in the FEDERAL REGISTER.

Issued: April 4, 1978.

JUDGE DONALD K. DUVALL,
Presiding Officer.

[FR Doc. 78-9493 Filed 4-7-78; 8:45 am]

[4410-02]

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

NATIONAL CRIME INFORMATION CENTER ADVISORY POLICY BOARD

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the National Crime Information Center (NCIC) Advisory Policy Board will be held on June 21-22, 1978, at the Olympic Hotel, Seattle, Wash. The meeting will begin at 9 a.m. and terminate at 5 p.m. each day.

The purpose of this meeting will be to discuss policy matters relating to NCIC including the Wanted and Stolen Property Files and the Computerized Criminal History File.

The meeting will be open to the public. Persons who wish to make statements and ask questions of the Board members must notify the Designated Federal Employee (DFE) identified below or the Assistant Director, Technical Services Division, FBI, Washington, D.C. 20535, at least 24 hours prior to the commencement of the session. Name, corporate designation, consumer affiliation, or government designation must be provided along with a capsulized version of the statement to be given and an outline of the material to be offered.

Additional information may be obtained from the DFE, Mr. Frank B. Buell, Chief, NCIC Section, Technical Services Division, FBI Headquarters, Washington, D.C. 20535, telephone 202-324-2606.

Minutes of the meeting will be available upon request from the above designated FBI official.

WILLIAM H. WEBSTER,
Director.

[FR Doc. 78-7428 Filed 4-7-78; 8:45 am]

[4410-01]

Drug Enforcement Administration

MANUFACTURE OF CONTROLLED SUBSTANCES

Registration

By Notice dated February 1, 1978, and published in the FEDERAL REGISTER on February 7, 1978 (43 FR 5080), Merck & Co. Inc., Department A, Building No. 19, Merck Chemical Manufacturing Division, P.O. Box 2000, Rahway, N.J. 07065, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug:	Schedule
Codeine	II
Ethylmorphine	II

	Schedule
Hydrocodone	II
Morphine	II
Thebaine	II
Cocaine	II
Anileridine	II

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and title 21, Code of Federal Regulations § 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substances listed above is granted.

Dated: April 3, 1978.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 78-9417 Filed 4-7-78; 8:45 am]

[4410-01]

MANUFACTURE OF CONTROLLED SUBSTANCES

Registration

By Notice dated February 1, 1978, and published in the Federal Register on February 7, 1978; (43FR 5079), the following manfacturers made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances listed below: M. B. H. Chemical Corp., 377 Crane Street, Orange, N. J. 07051 (12-21-77):

	Schedule
Drug: Methylphenidate	II

M. D. Pharmaceutical, Inc., 3501 West Garry Avenue, Santa Ana, Calif. 92704 (12-16-77):

	Schedule
Drug:	
Methylphenidate	II
Diphenoxylate	II

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and title 21, Code of Federal Regulations § 1301.54(e), the Administrator hereby orders that the applications submitted by the above firms for registration as bulk manufacturers of the basic class of controlled substances listed above is granted.

Dated: April 3, 1978.

PETER B. BENSINGER,
Adminstrator, Drug Enforcement Administration.

[FR Doc. 78-9418 Filed 4-7-78; 8:45 am]

[4410-01]

IMPORTATION OF CONTROLLED SUBSTANCES

Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of title 21, Code of Federal Regulations (CFR), notice is hereby given that on February 21, 1978, Stepan Chemical Co., Natural Products Department, 100 West Hunter Avenue, Maywood, N.J. 07607, made application to the Drug Enforcement Administration to be registered as an importer of Coca leaf, a basic class of controlled substance in schedule II.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefore, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections, and requests for a hearing may be filed no later than May 10, 1978.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, room 1203, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: April 3, 1978.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 78-9419 Filed 4-7-78; 8:45 am]

[4410-01]

MANUFACTURE OF CONTROLLED SUBSTANCES

Application

Pursuant to 21 U.S.C. 823(a)(1), and § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR) this is notice that on February 21, 1978, Stepan Chemical Co., Natural Products, 100 West Hunter Avenue, Maywood, N.J. 07607, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substances cocaine and ecgonine.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, U.S. Department of Justice, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (room 1203), and must be filed no later than May 10, 1978.

Dated: April 3, 1978.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 78-9420 Filed 4-7-78; 8:45 am]

[7510-01]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (78-9)]

NASA ADVISORY COUNCIL

Meeting

The NASA Advisory Council will meet on May 1 and 2, 1978, in room 5026, Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C. 20546. The meeting will be open to the public up to the seating capacity of the room (about 60 persons, including Council members and other participants). Visitors will be requested to sign a visitor's register.

The NASA Advisory Council was established as an interdisciplinary group to advise NASA senior management on NASA's aeronautics and space programs. The Council is concerned with providing advice in the substantive areas of aeronautics, life sciences, space, and terrestrial applications, space sciences, space systems, and technology and history as they relate to aeronautics and space programs. The Chairman of the Council is Dr. William a. Nierenberg. There are currently fifteen members on the Council and additional members on standing committees which report to the Council. The following lists sets forth the approved schedule for the meeting. For further information contact the Executive Secretary, Mr. Nathaniel B. Cohen, Area code 202-755-8383, NASA Headquarters, Washington, D.C. 20546.

MAY 1, 1978

9:00 a.m.—NASA Introduction
9:20 a.m.—Chairman's Opening Remarks
9:40 a.m.—Administrative Matters
10:30 a.m.—NASA Long Range Planning
1:00 p.m.—Space Science
2:00 p.m.—Space and Terrestrial Applications
3:15 p.m.—Space Systems Engineering
3:45 p.m.—Space Transportation System
4:15 p.m.—Space Technology

MAY 2, 1978

8:30 a.m.—Energy Technology

8 45 a.m.—Aeronautics
10:00 a.m.—Discussion
11:30 a.m.—Closing Remarks
12:00 noon—Adjourn

KENNETH R. CHAPMAN,
Associate Administrator for External Relations.

APRIL 4, 1978.

[FR Doc. 78-9416 Filed 4-7-78; 8:45 am]

[7537-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

MUSIC ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Planning Section) to the National Council on the Arts will take place April 25, 1978, from 9:30 a.m. to 6 p.m.; April 26, 1978, 9:30 a.m. to 6 p.m.; April 27, 1978, from 9 a.m. to 6:30 p.m.; and April 28, 1978, from 9 a.m. to 5 p.m., in room 1422 of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on April 25, 1978, from 9:30 a.m. to 6 p.m. The topic of discussion will be policy matters.

The remaining sessions of this meeting on April 26, 1978, from 9:30 a.m. to 6 p.m.; April 27, 1978, from 9 a.m. to 6:30 p.m.; and April 28, 1978, from 9 a.m. to 5 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion on information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

Dated: April 3, 1978.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 78-9375 Filed 4-7-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE ON RESEARCH APPLICATIONS POLICY

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee on Research Applications Policy.
Date: April 26 and 27, 1978.
Place: 1800 G Street NW., Washington, D.C., Room 540.
Type of meeting: Open.
Contact person: Ms. Darleen F. Morano, Executive Secretary, Advisory Committee on Research Applications Policy, Room 537, National Science Foundation, Washington, D.C. 20550, telephone: 202-632-7424.
Summary minutes: Committee Management Coordination Staff, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of advisory meeting: To provide recommendations concerning the status and plans of the NSF Applied Science and Research Applications Directorate.
Agenda: Will include:

APRIL 26

9:00—Introductory remarks.
9:30—Implementation of the Science Applications Task Force Recommendations on the Reorganization of the Research Applied to National Needs program.
10:30—Presentation of the Problem Focused Research Applications Program Objectives, Operating Procedures, and Operating Plans for Next Fiscal Year.
12:30—Lunch.
1:30—Presentation of the Division of Applied Research's Program Objectives, Operating Procedures, and Operating Plans for Next Fiscal Year.
3:30—Presentation of the Integrated Basic Research Program Objectives, Operating Procedures, and Operating Plans for Next Fiscal Year.
5:30—Adjourn.

APRIL 27

9:00—Advisory Committee's Comments.
10:00—Presentation of the Intergovernmental Science and Public Technology Program Objectives, Operating Procedures, and Operating Plans for Next Fiscal Year.
12:00—Lunch.
1:00—Presentation of the Foundation's Peer Review Policy and Oversight Responsibilities.
2:00—Presentation of the Office of Program Analysis Program Objectives, Operating Procedures, and Operating Plans for Next Fiscal Year.
3:30—Discussion of NSF's University/Industry Cooperative Research.
4:30—Adjourn.

M. REBECCA WINKLER,
Committee Management Coordinator.

APRIL 4, 1978.

[FR Doc. 78-9383 Filed 4-7-78; 8:45 am]

[7555-01]

ADVISORY COMMITTEE FOR PHYSICS SUBCOMMITTEE ON JOB-RELATED ISSUES

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Physics—Subcommittee on Job-Related Issues.
Date and time: April 24, 1978; 9 a.m. to 5 p.m.
Place: Room 321, National Science Foundation, 1800 G Street NW., Washington, D.C.
Type of meeting: Open.
Contact person: Dr. Laura P. Bautz, Executive Secretary, Advisory Committee for Physics, Division of Physics, room 341, National Science Foundation, Washington, D.C. 20550, Telephone 202-632-4175.
Purpose of subcommittee: To analyze issues related to employment opportunities in Physics, with special reference to those for young physicists.
Agenda: Continued discussion of issues and options regarding job opportunities for young physicists.
Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, room 248, National Science Foundation, Washington, D.C. 20550.

M. REBECCA WINKLER,
Committee Management Coordinator.

APRIL 4, 1978.

[FR Doc. 78-9384 Filed 4-7-78; 8:45 am]

[7555-01]

ADVISORY COMMITTEE FOR ASTRONOMICAL SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Astronomical Sciences.
Date and time: April 27 and 28, 1978—9 a.m. to 5 p.m. each day.
Place: Room 543, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Type of meeting: Part open.—Open—4/27, 9 to 9:15 a.m.; closed—4/27, 9:15 to 10:15 a.m.; open—4/27, 10:15 a.m. to 5 p.m.; open—4/28, 9 a.m. to 5 p.m.
Contact person: Dr. William E. Howard, Director, Division of Astronomical Sciences, room 615, National Science Foundation, Washington, D.C., telephone: 202-632-5717.
Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of committee: To provide advice, recommendations, and oversight concerning support for research and research-related activities in the astronomical sciences area.

Agenda: Will include the following discussion and presentations:

APRIL 27, 1978

Short Summary Items.
Discussion of Pending and Past Proposals (Closed Session).
Committee and Subcommittee Reports on Priorities and Initiatives.
Budgets and Long Range Planning.
Grant Program Presentation: Stars and Stellar Evolution.
Reports of the National Centers.

APRIL 28, 1978

Reports of the National Centers (continued).
Conceptual Proposals and Core Support.
Site Testing and Evaluation.
NASA Funding Impacts.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

APRIL 4, 1978.

[FR Doc. 78-9385 Filed 4-7-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-341]

THE DETROIT EDISON CO. (ENRICO FERMI II)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit amendment proceeding:

Alan S. Rosenthal, Chairman.
Richard S. Salzman.
Dr. W. Reed Johnson.

Dated: April 4, 1978.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc. 78—9422 Filed 4-7-78; 8:45 am]

[7590-01]

[Docket No. 50-409]

DAIRYLAND POWER COOPERATIVE

Receipt of Application for Facility Operating License; Consideration of Conversion of Provisional Operating License to Full-Term Operating License; and Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application for a full-term facility operating license from Dairyland Power Cooperative (the licensee) to possess, use, and operate the La Crosse Boiling Water Reactor (the facility), located on the licensee's site in Vernon County, Wis. The facility has been licensed to operate at a steady-State level of up to 165 megawatts thermal since July 1967.

The licensee also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report dated September 1972, which incorporates by reference their application for a full-term operating license. The report, and any supplements thereto, which discuss environmental considerations related to the operation of the facility have been made available at the Bureau of Planning and Budget, Department of Administration, 1 West Wilson Street, Madison, Wis. 53702; the Mississippi River Regional Planning Commission, County Courthouse, La Crosse, Wis. 54601; the La Crosse Public Library at 800 Main Street in La Crosse, Wis., and the Commission's public document room at 1717 H Street NW., Washington D.C. 20555. Notice of the availability of the licensee's Environmental Report appeared in the FEDERAL REGISTER on July 29, 1974 (39 FR 27489) and correction dated August 6, 1974 (39 FR 28313).

In June 1976, the Commission completed its preliminary environmental review and issued a Draft Environmental Statement (NUREG-0087) dated June 1976. Notice of availability of the draft statement was published in the FEDERAL REGISTER by the Commission on July 6, 1976 (41 FR 27788), and by the Council on Environmental Quality on July 2, 1976 (41 FR 27426) requesting comments from interested persons on the draft statement.

Comment of Federal agencies, State and local officials, and other persons are made available for public inspection at the La Crosse Public Library and the Commission's public document room. Upon consideration of these comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

The Commission will consider the issuance of a full-term facility operating license to Dairyland Power Cooperative which would authorize the licensee to possess, use, and operate the La Crosse Boiling Water Reactor at its presently licensed power level for a period of 40 years from March 29, 1963, issuance date of the construction authorization, in accordance with the provisions of the license and the technical specifications appended thereto, upon: (1) The completion of a favorable safety evaluation of the application by the Commission's Office of Nuclear Reactor Regulation; (2) the completion of the final environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the licensee's application by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for a full-term facility operating license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. Construction of the facility was authorized by Construction Authorization No. CAPR-5, issued by the U.S. Atomic Energy Commission on March 29, 1963. The facility is presently being operated in accordance with Provisional Operating License No. DPR-45.

The full-term facility operating license will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. The licensee has satisfied its obligation concerning indemnification as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

On or before May 10, 1978, the licensee may file a request for a hearing with respect to issuance of the full-term facility operating license, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions

of 10 CFR 2.714. As required in 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why intervention should be permitted, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularly both the facts pertaining to the petitioner's interest and the basis for the petitioner's contentions with regard to each aspect on which intervention is desired. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's public document room, 1717 H Street NW., Washington, D.C., by May 10, 1978. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Fritz Schubert, Esquire, 2615 East Avenue South, La Crosse, Wis. 54601, attorney for the licensee. Any questions or requests for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

For further details pertinent to the matters under consideration, see (1) The licensee's application dated October 9, 1974, as amended, (2) the licensee's Environmental Report dated September 1972 (transmitted by the licensee's letter dated December 8, 1972) and any supplements thereto, and (3) the Commission's Draft Environmental Statement (NUREG-0087) dated June 1976, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the La Crosse Public Library, 800 Main Street, La Crosse, Wis. 54601. As they become available, the following documents may be inspected at the above locations: (1) The safety evaluation report (SER) prepared by the Officer of Nuclear Reactor Regulation; (2) the Commission's final environmental statement (FES); and (3) the report of the Advisory Committee on Reactor Safeguards (ACRS) on the application for a full-term facility operating license.

A single copy of the SER, FES and ACRS report, when available, 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 5th day of April 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-9512 Filed 4-7-78; 8:45 am]

[7590-01]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Co. (the licensee), which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment to the Technical Specifications grants an extension from April 1, to June 1, 1978, for submitting the report on the 5 year nonradiological environmental monitoring program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) the application for amendment dated March 15, 1978, and (2) Amendment No. 36 to License No. DPR-36. 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 Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of item (2) 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 31st day of March 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-9386 Filed 4-7-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 20481; 70-6136]

COLUMBIA GAS SYSTEM, INC. AND COLUMBIA GAS SYSTEM SERVICE CORP.

Proposed Increase in Return on Capital Stock of Subsidiary

APRIL 3, 1978.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Columbia Gas System Service Corp. ("Service"), 20 Montchanin Road, Wilmington, Delaware 19807, its wholly owned subsidiary, have filed a point declaration, with this commission pursuant to the public Utility Holding Company Act of 1935 ("Act"), designating Section 13 of the Act and Rules 90 and 91 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the joint declaration, which is summarized below, for a complete statement of the proposed transaction.

Service provides accounting, auditing, rate, stationery, insurance, depre-

ciation, research, tax, environmental, financial, legal, statistical, electronic data processing and general advisory services to the affiliated operating company subsidiaries of Columbia. Subsidiaries of Columbia are billed by Service on a monthly basis to cover its operating costs and a return on invested capital for services requested. Service proposes to increase the compensation allowed on its capital stock owned by Columbia in order to adjust for increases in costs of capital that have occurred since 1968 when the Commission authorized the current compensation of 6 percent on capital procured through the issuance of Service's capital stock.

Cost of debt capital to Columbia has ranged from 7 percent on debentures issued in 1968 to 10⅛ percent on debentures issued in 1975, and the most recent issue of debentures in 1976 reflects an interest rate of 9⅛ percent. It is estimated that a new issue of debentures of Columbia at the present time would carry an interest rate of approximately 9 percent. It is stated that with current long-term interest rates on long-term debt of Columbia at a 9 percent level, it is not unreasonable that the cost of equity capital, which capital has a junior position in the capital structure and therefore bears greater financial risk than does senior capital, should be approximately 12.5 percent. This rate of return on equity capital has been recognized as appropriate by all regulatory commissions having jurisdiction over the subsidiaries of Columbia, with the exception of the West Virginia Commission.

The Federal Power Commission ("FPC"), predecessor of the Federal Energy Regulatory Commission ("FERC"), and regulatory commissions of six of the seven states in which distribution subsidiaries of Columbia operate, have allowed returns on subsidiaries' equity capital that approximate 12.5 percent, and overall returns in the 9 percent to 10 percent range. Since 80 percent of the investment in regulated subsidiaries is in transmission subsidiaries, it is proposed that the compensation on capital stock allowed Service be based on the last allowed overall rate of return authorized by FERC. The last overall rate of return allowed by the FPC to transmission subsidiaries of Columbia, reflecting both equity and debt costs, was 9.49 percent, and was ordered on September 13, 1976. Applying the 9.49 percent overall rate of return to the total capitalization of Service at December 31, 1977, results in a total return allowance of $1,397,381 and subtracting the 1977 interest costs of $382,083 results in an allowance for equity of $1,015,298 or a return of 12.1 percent on present equity outstanding. It is proposed that the 9.49 percent overall rate remain in effect until a new FERC rate of return is authorized. With reference to Rule 91 under the Public Utility Holding Company Act of 1935, it is stated that Service believes such compensation to be reasonable. It is further stated that Service charges to associates would increase by approximately $980,000 annually.

Service further proposes to limit its capital stock to $8,400,000, the amount presently outstanding, representing 84,000 shares of common stock at a par value of $100 per share. No additional shares of capital stock are presently authorized.

It is stated that additional long-term financing of service will be provided through the issuance of installment promissory notes, at least until the capital structure of Service has substantially the same ratio of long-term debt capital to equity capital as does the consolidated capital structure of Columbia and its subsidiaries.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated to be approximately $5,000.

Notice is further given that any interested person may, not later than April 27, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and order issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-9424 Filed 4-7-78; 8:45 am]

[8010-01]

[Rel. No. 20479; (70-6142)]

COLUMBIA GAS SYSTEM, INC., ET AL.

Proposed Intrasystem Financing

APRIL 3, 1978.

In the matter of the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Delaware 19807, Columbia Gas of West Virginia, Inc., Columbia Gas of Kentucky, Inc., Columbia Gas of Virginia, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of New York, Inc., Columbia Gas of Maryland, Inc., Columbia Gas of Ohio, Inc., 99 North Front Street, Columbus, Ohio 43215; and Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue SE., Charleston, W. Va. 25314; and Columbia Gulf Transmission Company, 3805 West Alabama Avenue, Houston, Tex. 77027; and Columbia Hydrocarbon Corporation, Columbia Coal Gasification Corporation, the Inland Gas Company, Inc., 340 17th Street, Ashland, Ky. 41101; and Columbia Gas Development Corporation, Columbia LNG Corporation, Columbia Gas Development of Canada Ltd., 20 Montchanin Road, Wilmington, Del 19807.

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary companies named above have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(b), 9, 10, 12(b) and 12(f) of the Act and Rules 43, 45 and 50(a)(3) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

It is proposed that certain subsidiaries of Columbia listed below issue and sell to Columbia prior to April 1, 1979, common stock ("Common Stock") and installment promissory notes (collectively, the "Installment Notes") up to the amounts indicated:

	Equity				
	Number of shares	Par value	Aggregate amount	Installment notes, aggregate amount	Total
Columbia of Kentucky				$500,000	$500,000
Columbia of Ohio				10,500,000	10,500,000
Columbia of Maryland				700,000	700,000
Columbia of New York				300,000	300,000
Columbia of Pennsylvania				8,100,000	8,100,000
Columbia of Virginia				700,000	700,000
Columbia of West Virginia				3,000,000	3,000,000
Columbia Gulf	362,049	$25	$9,051,225	3,000,000	12,051,225
Development U.S.				46,000,000	46,000,000
Development Canada	260,000	25	6,500,000		6,500,000
Inland				800,000	800,000
Coal gasification	560,000	25	14,000,000	14,000,000	28,000,000
Total			29,551,225	87,600,000	117,151,225

The Installment Notes will be nonregistered and dated the date of their issue. The principal amounts will be due in twenty (20) equal annual installments on March 31st of each of the years 1980 to 1999, inclusive. Interest on all notes will accrue from the date of issuance and is to be paid semiannually in accordance with the provisions of said note on the unpaid principal thereof until fully paid. The interest rate will be the actual cost of money to Columbia with respect to its last sale of debentures prior to the issuance of said Notes, decreased by an amount necessary in order that the interest rate be a multiple of 1/10th of 1 percent. Columbia sold $75,000,000 principal amount of debentures on May 19, 1976 (HCAR No. 19518), at a cost of money of 9.327 percent, and may sell additional long-term securities during the financing period. The Installment Notes to be issued initially will, therefore, bear an interest rate of 9.3 percent and Installment Notes to be issued subsequent to Columbia's future financings will carry an interest rate related to the last such sale of securities prior to the issuance of said Notes. None of the Installment Notes will be purchased by Columbia subsequent to March 31, 1979.

It is stated that the proceeds from the issuance and sale of the Common Stock and Installment Notes, together with funds, generated from internal sources, will be used to finance these subsidiaries' capital expenditure programs and corporate needs which involve estimated expenditures for 1978 as follows:

	Gross additions	Net salvage and noncash items	Net capital expenditures
Columbia of Kentucky	$1,597,000	$172,000	$1,425,000
Columbia of Ohio	18,232,000	387,000	17,845,000
Columbia of Maryland	1,101,000	(25,000)	1,126,000
Columbia of New York	656,000	(33,000)	689,000
Columbia of Pennsylvania	10,394,000	565,000	9,829,000
Columbia of Virginia	1,003,000		1,003,000
Columbia of West Virginia	4,991,000	1,027,000	3,964,000
Columbia Gulf	31,902,000	1,123,000	30,779,000
Development U.S.	96,677,000	867,000	95,810,000
Development Canada	18,419,000		18,419,000
Inland	4,151,000	942,000	3,209,000
Coal Gasification	22,941,000	1,830,000	21,111,000
Total	212,064,000	6,855,000	205,209,000

The projected net capital expenditures for 1978 for the entire Columbia system are estimated at $321,932,000. This amount includes expenditures for projects to maintain and/or increase Columbia's gas supply reserves which are estimated to approximate $182,376,000 or 57 percent of the system's net captial expenditures. The expenditures for such projects include advances to producers, new gas transportation facilities, liquefied natural gas regasification facilities, the exploration for and development of gas reserves, and the research and development of the gasification of coal.

By order dated December 31, 1974 (HCAR No. 18749), the Commission approved the joint development agreement ("Agreement") entered into on May 15, 1974, by Columbia's wholly owned subsidiary, Columbia Coal Gasification Corp. ("CG") and the Carter Oil Co. ("Carter"). The Agreement was entered into subject to Commission approval and provided for the joint development of two West Virginia coal mines. The first mine is being developed in Wayne County, West Virginia. It is stated that deliveries are anticipated to begin in mid-1979 and expected to reach annual design capacity of 2.2 million tons in early 1982. The second mine of equal capacity will be developed in Lincoln County, W. Va. and its operations are expected to begin approximately 2 years after the opening of the first mine. The Commission's Order of December 31, 1974 (HCAR No. 18749) authorized the issuance and sale from time to time through December 31, 1975, by CG of up to $11,000,000 of its securities to Columbia for the development and operation of the two West Virginia mines. That order further stated that the balance of the required financing would be the subject of future applications to the Commission. CG now proposes to issue up to $28,000,000 of securities to Columbia, including $25,000,000 for mine development.

It is also proposed that Columbia advance on open account to certain subsidiaries, and have outstanding from time to time, up to an aggregate amount of $260,700,000 to finance the purchase by such subsidiaries of underground storage gas inventories, miscellaneous other inventories and for short-term seasonal purposes.

It is stated that the most economical method of financing these inventories and other short-term seasonal requirements of subsidiary companies is to provide such funds on a short-term basis, to be taken as needed during the summer months and to be repaid during the winter from the proceeds of the sale of gas. It is further stated that the most feasible manner of accomplishing such short-term financing is to borrow the funds from Columbia.

The proposed advances will be limited to the amount of each subsidiary's estimated short-term financing requirements as shown below:

Columbia of Ohio	$75,000,000
Columbia of West Virginia	24,000,000
Columbia of Kentucky	10,500,000
Columbia of Virginia	2,000,000
Columbia of Pennsylvania	15,000,000
Columbia of Maryland	800,000
Columbia of New York	2,400,000
Columbia Transmission	100,000,000
Hydrocarbon	6,000,000
Columbia LNG	25,000,000
Total	260,700,000

The open account advances will initially bear interest at the rate in effect from time to time at the agent bank for Columbia's short-term loan line of credit. Interest charges to the Subsidiaries subsequently will be adjusted, after the storage financing period, to the effective cost of money Columbia

achieves on its short-term borrowing for this purpose. Substantially all of such advances are expected to be taken down by December 31, 1978, however, a portion may be taken down during the period January 1, 1979, through May 31, 1979. The funds would be advanced, repaid and reborrowed, as required from time to time for periods not exceeding one year from the date of each advance. All such advances are to be repaid on or before May 31, 1979.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $13,000, including charges for services of Columbia Gas System Service Corporation estimated at $6,600. It is stated that authorization for the sale of securities is required from the various state public utility regulatory commissions for Columbia of Kentucky, Columbia of Ohio, Columbia of New york, Columbia of Pennsylvania, Columbia of Virginia and Columbia of West Virginia. It is further stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is stated that the issuance of the Installment Notes and Common Stock by subsidiaries is excepted from the competitive bidding requirements of Rule 50 by reason of paragraph (a)(3) thereof since the acquisition by Columbia of the Installment Notes and Common Stock will have been approved by this Commission pursuant to Section 10 of the Act. It is further requested that the applicants be authorized to file certificates under Rule 24 with respect to the proposed transactions on a quarterly basis.

Notice is further given that any interested person may, not later than April 27, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-9425 Filed 4-7-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1448; Amdt. No. 2]

ARIZONA

Declaration of Disaster Loan Area

The above numbered Major Disaster Declaration (see 43 FR 12140) and Amendment No. 1 (see 43 FR 13650) are amended to include the counties of Apache, Mohave, Pima, and those portions of the Navajo and Hopi Indian Reservations that lie in the State of Arizona. The Small Business Administration will accept applications for disaster relief loans from disaster victims in the above-named counties, and adjacent counties, and those portions of the Navajo and Hopi Indian Reservations that lie in the State of Arizona. The termination date for filing applications for physical damage is extended to the close of business on May 15, 1978, and for economic injury until the close of business on December 15, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: March 28, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-9487 Filed 4-7-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1452]

MISSOURI

Declaration of Disaster Loan Area

Vernon County and adjacent counties within the State of Missouri constitute a disaster area as the result of excessive rainfall and flooding May 1 through June 30, 1977, and September 1 through October 30, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 1, 1978 and for economic injury until the close of business on January 3, 1979 at:

Small Business Administration, District Office, 1150 Grand Avenue, Kansas City, Mo. 64106.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: March 31, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-9488 Filed 4-7-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the eighteenth meeting of the Board for International Food and Agricultural Development on April 27, 1978.

The purpose of the meeting is to discuss staff papers prepared by A.I.D. and the Joint Committee on Agricultural Development (JCAD) on technical assistance and technology transfer to middle income countries; to receive the reports of the Joint Research Committee (JRC) and the JCAD, including the final recommendations of the JRC on a priority research agenda; and to hear progress reports on Baseline Studies, the University Strengthening Program, and University Eligibility, Roster and Registry of Resources development.

The meeting will begin at 9 a.m., adjourn at 4:30 p.m., and will be held in Room 6320, State Department Building, 21st and C Streets NW., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statements with the Board before or after the meeting, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Director, Office of Title XII/University Relations Development Support Bureau, A.I.D., is designated as A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-2243.

Dated: April 4, 1978.

ERVEN J. LONG,
A.I.D. Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc. 78-9407 Filed 4-7-78; 8:45 am]

[14910-57]

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

TRANSBUS SPECIFICATIONS

Additional Time for Comments on Revised "Transbus Procurement Requirements"

On March 21, 1978 the Urban Mass Transportation Administration (UMTA) published a notice of revision of the "Transbus Procurement Requirements" bid document and announced a 15-day period ending April 6, 1978 for comments on that revision (43 FR 11779). As explained in that notice, the Transbus is a low-floor, ramp-equipped urban transit bus, and use of the Transbus Procurement Requirements bid document to order Transbuses is required for all federally funded procurements of new, standard, full-sized urban transit buses advertised after September 30, 1979.

In response to comment requesting that UMTA provide additional time for interested parties to comment on the revised Transbus Procurement Requirements, any comments received by May 1, 1978 will be considered by UMTA before UMTA releases for formal procurement advertisement the version of the Transbus Procurement Requirements to be used in the first advertisement.

Issued in Washington, D.C. on April 5, 1978.

RICHARD S. PAGE,
Urban Mass Transportation Administrator.

[FR Doc. 78-9517 Filed 4-7-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Systems Notice; Additional Routine Use Proposed

Notice is hereby given that the Veterans Administration is considering adding a new routine use statement to each of the following systems of VA records set forth on pages 49726-49767 of the FEDERAL REGISTER of September 27, 1977.

49VA21 Veterans, Dependents and Beneficiaries Compensation and Pension Records-VA.

50VA22 Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records-VA.

58VA21/22 TARGET-Compensation, Pension, Education, and Rehabilitation Records-VA.

Under previously published routine use statements in each of the systems of records named above, the Veterans Administration has provided information to the Social Security Administration for use in the Supplemental Security Income program. These routine use statements did not specifically identify the Social Security Administration, Bureau of Supplemental Security Income as a recipient of information from Veterans Administration records. In a General Accounting Office report on "Privacy Issues and Supplemental Security Income Benefits" (HRD-77-110), the General Accounting Office recommended that an explicit routine use statement be adopted indicating information is being provided to the Social Security Administration. Accordingly, this routine use statement is proposed for inclusion in the systems of records named above.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before May 10, 1978, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until May 22, 1978. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make this routine statement effective the date of final approval by the Administrator of Veterans Affairs.

Approved: April 4, 1978.

RUFUS H. WILSON,
Deputy Administrator.

In the system of records identified as 49VA21, "Veterans, Dependents and Beneficiaries Compensation and Pension Records-VA", appearing at 42 FR 49753, the following routine use statement is added to read as follows:

System name:

Veterans, Dependents and Beneficiaries Compensation and Pension Records-VA.

* * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

* * * * *

27. A record from this system of records may be released to the Social Security Administration, Bureau of Supplemental Security Income, as required for their determination of eligibility for or amounts of benefits, or to verify other information with respect thereto.

In the system identified as 50VA22, "Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records-VA", appearing at 42 FR 49754, the following routine use statement is added to read as follows:

System name:

Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records-VA.

* * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

* * * * *

34. A record from this system of records may be released to the Social Security Administration, Bureau of Supplemental Security Income, as required for their determination of eligibility for or amounts of benefits, or to verify other information with respect thereto.

In the system of records identified as 58VA21/22, "TARGET-Compensation, Pension, Education and Rehabilitation Records-VA", appearing at 42 FR 49760, the following routine use statement is added to read as follows:

System name:

TARGET-Compensation, Pension, Education and Rehabilitation Records-VA.

* * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

* * * * *

35. A record from this system of records may be released to the Social Security Administration, Bureau of Supplemental Security Income, as required for their determination of eligibility for or amounts of benefits, or to verify other information with respect thereto.

[FR Doc. 78-9429 Filed 4-7-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 630]

ASSIGNMENT OF HEARINGS

APRIL 5, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 46219 (Sub-No. 17), Sternberger Motor Corp., now assigned May 15, 1978, at New York, NY, is postponed to July 17, 1978 (2 weeks), at New York, NY, at a location to be later designated.

MC 123407 (Sub-No. 391), Sawyer Transport, Inc., is assigned for hearing May 8, 1978, at Portland, OR and will be held at room 103, Pioneer Courthouse, 555 Southwest Yamhill Street.

MC 138875 (Sub-No. 58), Shoemaker Trucking Co., is assigned for hearing May 3, 1978, at Portland, OR, and will be held at room 103, Pioneer Courthouse, 555 Southwest Yamhill Street.

MC 143923, Richard B. Livingstone, is assigned for hearing May 5, 1978, at Seattle, WA, and will be held at room 3086, Federal Building, 915 2d Avenue.

MC 119789 (Sub-No. 361), Caravan Refrigerated Cargo, Inc., is assigned for hearing May 17, 1978, at Seattle, WA, and will be held at room 3086, Federal Building, 915 2d Avenue.

MC 114569 (Sub-No. 200), Shaffer Trucking Inc., now assigned May 9, 1978, at Omaha, NE, will be held in room 616, Union Pacific Plaza, 110 North 14th Street (14th Street and Dodge).

MC-115730 (Sub-No. 37), The Mickow Corp., now assigned May 10, 1978, at Omaha, NE, will be held in room 616, Union Pacific Plaza, 110 North 14th Street (14th Street and Dodge).

MC-F-13340 Consolidated Freightways Corp. of Delaware—Purchase (Portion)—Ringsby Truck Lines, Inc., now assigned May 15, 1978, at Omaha, NE, will be held in room 616, Union Pacific Plaza, 110 North 14th Street (14th Street and Dodge).

MC 30844 (Sub-No. 595), Kroblin Refrigerated Xpress, Inc.; MC 114274 (Sub-No. 44), Vitalis Truck Lines, Inc; MC 117940 (Sub-No. 233), Nationwide Carriers, Inc.; MC 118202 (Sub-No. 76), Schultz Transit, Inc.; MC 119765 (Sub-No. 46), Eight Way Xpress, Inc.; MC 119789 (Sub-No. 373), Caravan Refrigerated Cargo, Inc.; MC 124774 (Sub-No. 100), Midwest Refrigerated Express, Inc.; MC 124896 (Sub-No. 28), Williamson Truck Lines, Inc.; MC 125368 (Sub-No. 22), Continental Coast Trucking Co., Inc.; MC 125951 (Sub-No. 24), Silvey Refrigerated Carriers, Inc.; MC 134105 (Sub-No. 21), Celeryvale Transport, Inc.; MC 134286 (Sub-No. 32), Illini Express, Inc.; MC 135283 (Sub-No. 27), Grand Island Moving & Storage Co., Inc.; MC 136786 (Sub-No. 120), Robco Transportation, Inc.; MC 139091 (Sub-No. 24), Logan Motor Lines, Inc.; MC 140024 (Sub-No. 76), J. B. Montgomery, Inc.; MC 140389 (Sub-No. 20), Osborn Transportation, Inc.; MC 140553 (Sub-No. 4), Rogers Truck Line, Inc.; MC 140635 (Sub-No. 4), Coates Freight Lines, Inc.; MC 140717 (Sub-No. 5), Julian Martin, Inc.; MC 142672 (Sub-No. 6), David Beneux Produce & Trucking, Inc.; MC 82492 (Sub-No. 178), Michigan & Nebraska Transit Co., Inc.; MC 107818 (Sub-No. 87), Greenstein Trucking Co.; MC 107839 (Sub-No. 175), Denver-Albuquerque Motor Transit, Inc.; MC 110563 (Sub-No. 214), Coldway Food Express, Inc.; MC 111812 (Sub-No. 554), Midwest Coast Transport, Inc.; MC 114273 (Sub-No. 326), CRST, Inc.; MC 114569 (Sub-No. 206), Shaffer Trucking, Inc.; MC 117815 (Sub-No. 272), Pulley Freight Lines, Inc.; MC 126844 (Sub-No. 41), R.D.S. Trucking Co., Inc.; MC 133566 (Sub-No. 99), Gangloff & Downham Trucking; MC 136385 (Sub-No. 8), Hallway, Inc.; and MC 133689 (Sub-No. 163), Overland Express, Inc., now assigned May 11, 1978, at Omaha, NE, will be held in room 616, Union Pacific Plaza, 110 North 14th Street (14th Street and Dodge).

MC 1255 (Sub-No. 12), McGinn Bus Co., Inc., now assigned May 8, 1978, at Boston, MA, will be held on the Fifth Floor, 150 Causeway Street.

MC 140389 (Sub-No. 17), Osborn Transportation, Inc., is now assigned for hearing July 11, 1978 (4 days), as San Francisco, CA, at a location to be later designated.

MC 114211 (Sub-No. 330), Warren Transport, Inc., is now assigned for hearing July 17, 1978 (2 weeks), at San Francisco, CA, at a location to be later designated.

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

[FR Doc. 78-9479 Filed 4-7-78; 8:45 am]

[7035-01]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MARCH 31, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 20, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a common carrier, by motor vehicles, over irregular routes.

No. MC 40215 (Sub-No. E35), filed May 17, 1974. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 North Fifth Avenue, Salina, KS 67401. Applicant's representative: James F. Flint, Ephraim and Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. *Household goods,* as defined by the Commission: (1) From those points in MN on and west of a line beginning at the International boundary line between the United States and Canada, and extending along U.S. Hwy 53, then along U.S. Hwy 53 to junction U.S. Hwy 73, then along U.S. Hwy 73 to junction MN Hwy 210, then west along MN Hwy 210 to junction MN Hwy 65, then along MN Hwy 65 to junction MN Hwy 23, then southwest on MN Hwy 23 to the MN-IA State line, to those points in LA on and south of a line beginning at the TX-LA State line, and extending along LA Hwy 8, then along LA Hwy 8 to junction LA Hwy 10, then along LA Hwy 10 to the LA-MS State line; (2) from those points in MN on and west of a line beginning at the International boundary line between the United States and Canada, and extending along U.S. Hwy 75 to junction U.S. Hwy 10, then west along U.S. Hwy 10 to the MN-SD State line, to points in LA (Manhattan and Independence, KS*); (3) from points in MN to those points in KS beginning at the KS-NE State line, and extending along U.S. Hwy 77, then south along U.S. Hwy 77 to junction U.S. Hwy 24, then along U.S. Hwy 24 to junction KS Hwy 18, then along KS Hwy 18, to junction U.S. Hwy 77, then along U.S. Hwy 77 to junction U.S. Hwy 56, then along U.S. Hwy 56 to junction U.S. Hwy 156, then along U.S. Hwy 156 to U.S. Hwy 50, then along U.S. Hwy 50 to junction KS Hwy 99, then along KS Hwy 99 to junction KS Hwy 4, then along KS Hwy 4 to junction U.S. Hwy 24, then east along U.S. Hwy 24 to the KS-MO State line (Kansas City, MO*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 61825 (Sub-No. E568), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, DC 20036. *Materials used in the manufacture of furniture:* From points in DE to those points in VA on and west of a line beginning at the NC-VA State

line, then north along VA Hwy, 86 to junction U.S. Hwy 58, then along U.S. Hwy 58 to junction U.S. Hwy 220, then north on U.S. Hwy 220 to junction U.S. Hwy 460, then west on U.S. Hwy 460 to the VA-WV State line. The purpose of this filing is to eliminate the gateway of Martinsville, VA.

No. MC 61825 (Sub-No. E667), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, DC 20036. *Construction materials, machinery, mine supplies, glassware, paper products, and hardware,* except commodities in bulk, those of unusual value, commodities requiring special equipment: (1) Between points in Mahoning County, OH, within 50 miles of Steubenville, OH, on the one hand, and, on the other, points in SC; (2) between points in SC, on the one hand, and, on the other, points in Mahoning County, OH, within 50 miles of Steubenville, OH. The purpose of this filing is to eliminate the gateway of (1) Coketown, Brooke County, WV, Clarksburg, WV, and Lynchburg, VA; (2) Lynchburg, VA, and Weirton, WV.

No. MC 61825 (Sub-No. E806), (Partial correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of January 2, 1977, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, DC 20036. *Clocks, new furniture, and furniture parts,* * * * The purpose of this filing is to eliminate the gateways of Bedford and Lynchburg, VA.

NOTE.—The purpose of this partial correction is to state the correct Docket No. MC 61825 (Sub-No. E806) instead of No. MC 61825 (Sub-No. 809) previously published in the January 2, 1977, FEDERAL REGISTER issue. The remainder of this letter notice remains as previously published in the January 2, 1977, FEDERAL REGISTER issue.

No. MC 61825 (Sub-No. E1056), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, DC 20036. *Such glass as is used as construction materials,* except commodities in bulk, commodities requiring special equipment, from points in Hancock County, WV, to Gallatin, TN, and points in TN on and east of U.S. Hwy 231. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, WV, and Clarksburg, WV.

No. MC 61825 (Sub-No. E1226), 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, DC 20036. *Furniture parts,* except commodities in bulk, from those points in FL, GA, NC, SC, TN, VA, on and east and south of a line beginning at Cedar Key, FL and extending northeast along FL Hwy 24 to junction FL Hwy 345, to junction U.S. Hwy 19, to junction U.S. Hwy 129, to junction FL Hwy 47, to junction U.S. Hwy 441, to junction GA Hwy 94, to junction FL Hwy 23, to junction U.S. Hwy 1, to junction U.S. Hwy 221, to junction U.S. Hwy 25, to junction U.S. Hwy 29, to junction SC Hwy 14, to junction U.S. Hwy 176, to junction NC Hwy 108, to junction U.S. Hwy 221, to junction NC Hwy 226, to junction TN Hwy 107, to junction U.S. Hwy 19W, to junction U.S. Hwy 11E, to junction U.S. Hwy 11, to junction VA Hwy 16, to junction U.S. Hwy 58, to junction U.S. Hwy 15, to junction U.S. Hwy 158, to junction U.S. Hwy 158 Alternate, to junction U.S. Hwy 1, to junction U.S. Hwy 401, to junction NC Hwy 43, to junction U.S. Hwy 64, to junction NC Hwy 94, to junction U.S. Hwy 264 to Engelhard, NC to the Pamlico Sound, to the Hatteras Inlet, and then to the Atlantic Ocean, to points in MI and those points in OH, VA and WV on and bounded by a line beginning at Marion, VA and extending north along VA Hwy 16 to junction WV Hwy 16, to junction U.S. Hwy 52, to the OH River, to junction Interstate Hwy 74 at Cincinnati, OH, to the OH-IN State line, then north along the OH-IN State line to the OH-MI State line, to Lake Erie, then along the shores of Lake Erie to Cleveland, OH, then south along Interstate Hwy 77 to junction U.S. Hwy 460, to junction VA Hwy 16 and then to the point of beginning; and those points in IL, IN, MN, and WI on and north of a line beginning at the OH-IN State line and extending northwest along Interstate Hwy 74 to junction Interstate Hwy 65, to junction U.S. Hwy 12 to Minneapolis, MN, then along Interstate Hwy 94 to the MN-ND State line. The purpose of this filing is to eliminate the gateway of points in Smyth County, VA.

No. MC 61825 (Sub-No. E1227), 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, DC 20036. *Furniture parts,* except commodities in bulk, from points in FL, GA, LA, and those points in NC and SC on and west of a line beginning at the VA-NC State line and extending south along NC Hwy 113 to junction NC Hwy 18, to junction NC Hwy 113 to junction NC Hwy 18, to junction NC Hwy 16, to junction U.S. Hwy 321, to junction U.S. Hwy 176, to junction U.S. Hwy 52, to junction SC Hwy 17, to junction SC Hwy 171 to Folly Beach, SC, and then to the Atlantic Ocean, and those points in AL, AZ, AR, CA, KY, MS, NV, NM, OK, TN, TX and VA, on and south of a line beginning at the NC-VA State line, and extending northwest along VA Hwy 16 to junction U.S. Hwy 11, to junction U.S. Hwy 19, to junction U.S. Hwy Alternate 58, to junction U.S. Hwy 58, to junction U.S. Hwy 25E, to junction KY Hwy 74, to junction TN Hwy 90, to junction U.S. Hwy 25W, to junction TN Hwy 61, to junction U.S. Hwy 27, to junction TN Hwy 30, to junction U.S. Hwy 127, to junction TN Hwy 28, to junction TN Hwy 27, to junction U.S. Hwy 72, to junction AL Hwy 79, to junction U.S. Hwy 278, to junction AL Hwy 69, to junction AL Hwy 18, to junction AL Hwy 96, to junction MS Hwy 50, to junction U.S. Hwy 82, to junction MS Hwy 12, to junction MS Hwy 1 to the WA-Issaquene County line, to the MS-AR State line, to the AR-LA State line, to junction U.S. Hwy 65, to junction AR Hwy 8, to junction U.S. Hwy 82, to junction U.S. Hwy 59, to junction U.S. Hwy 70, to junction U.S. Hwy 271, to junction U.S. Hwy 82, to junction TX Hwy 121, to junction U.S. Hwy 380, to junction TX Hwy 199, to junction U.S. Hwy 82, to junction U.S. Hwy 380, to junction U.S. Hwy 54, to junction NM Hwy 14, to junction U.S. Hwy 66, to junction U.S. Hwy 93, to junction NV Hwy 52, to junction CA Hwy 178, to junction CA Hwy 127, to junction CA Hwy 190, to junction CA Hwy 136, to junction U.S. Hwy 395, to junction CA Hwy 180, to junction CA Hwy 99, to junction CA Hwy 4, to junction Interstate Hwy 80, to junction CA Hwy 37, to junction U.S. Hwy 101, to junction CA Hwy 12, to junction CA Hwy 116 to Stewarts Point, CA, and then to the Pacific Ocean, to those points in MD, NY, OH, PA, VT, VA, and WV on and bounded by a line beginning at the US-CD International Boundary line and extending south along VT Hwy 114 to junction U.S. Hwy 5, to junction VT Hwy 11, to junction U.S. Hwy 7, to junction VT Hwy 9, to junction NY Hwy 7, to junction U.S. Hwy 9W, to junction NY Hwy 32, to junction NY Hwy 23, to junction NY Hwy 30, to junction NY Hwy 17, to junction PA Hwy 370, to junction PA Hwy 247, to junction U.S. Hwy 6, to junction Interstate Hwy 81, to junction U.S. Hwy 22, to junction U.S. Hwy 11, to junction VA Hwy 16, to junction Interstate Hwy 81, to junction Interstate Hwy 77, to Lake Erie, then to the US-CD International Boundary line, and then to the point of beginning. The purpose of this filing is to eliminate the gateway of points in Smyth County, VA.

No. MC 61825 (Sub-No. E1228), 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, DC 20036. *Furniture parts,* except commodities in bulk, from points in AL, AZ, AR, CA, ID, LA, MS, NV, NM, OK, OR, TX, UT, WA, and those points in CO, FL, GA, IL, IN, KS, KY, MO, MI, NE, NC, ND, TN, VA, and WY on and west of a line beginning at the United States-Canadian International boundary line and extending along U.S. Hwy 85 to junction ND Hwy 200, to junction MT Hwy 200, to junction MT Hwy 16, to junction U.S. Hwy 10, to junction U.S. Hwy 312, to junction U.S. Hwy 212, to junction MT Hwy 59, to junction WY Hwy 59, to junction U.S. Hwy 87, to junction U.S. Hwy 85, to junction U.S. Hwy 34, to junction U.S. Hwy 6, to junction U.S. Hwy 83, to junction U.S. Hwy 36, to junction U.S. Hwy 281, to junction U.S. Hwy 24, to junction MO Hwy 7, to junction U.S. Hwy 50, to junction U.S. Hwy 63, to junction MO Hwy 68, to junction MO Hwy 8, to junction U.S. Hwy 67, to junction MO Hwy 32, to junction U.S. Hwy 61, to junction MO Hwy 51, to junction IL Hwy 3, to junction IL Hwy 149, to junction IL Hwy 13, to junction IL Hwy 14, to junction U.S. Hwy 460, to junction IN Hwy 66, to junction U.S. Hwy 231, to junction KY Hwy 54, to junction KY Hwy 259, to junction KY Hwy 80, to junction KY Hwy 15, to junction U.S. Hwy 119, to junction U.S. Hwy 23, to junction U.S. Hwy Alternate 58, to junction U.S. Hwy 19, to junction U.S. Hwy 19W, to junction U.S. Hwy 411, to junction U.S. Hwy 441, to junction U.S. Hwy 64, to junction NC Hwy 69, to junction U.S. Hwy 76, to junction GA Hwy 52, to junction U.S. Hwy 41, to junction GA Hwy 53, to junction U.S. Hwy 27, to the Chattahoochee River at Columbus, GA, to the Apalachicola River, to the Gulf of Mexico, to points in CO, DE, DC, ME, MD, MA, NH, NJ, NY, RI, PA, VT, VA, on and east of a line beginning at the Canada-United States International boundary line and extending along the CD-ME State line to the CD-NH State line, to the CD-VT State line, to junction VT Hwy 114, to junction U.S. Hwy 5, to junction VT Hwy 11, to junction U.S. Hwy 7, to junction VT Hwy 9, to junction NY Hwy 7, to junction U.S. Hwy 9W, to junction NY Hwy 32, to junction NY Hwy 23, to junction NY Hwy 30, to junction NY Hwy 17, to junction PA Hwy 370, to junction PA Hwy 247, to junction U.S. Hwy 6, to junction Interstate Hwy 81, to junction U.S. Hwy 22, to junction U.S. Hwy 11, to junction VA Hwy 16, to junction VA Hwy 614, to junction VA Hwy 749, to junction U.S. Hwy 21, to junction VA Hwy 805, to junction VA Hwy 94, to junction U.S. Hwy 58, to junction the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of points in Smyth County, VA.

No. MC 61825 (Sub-No. E1229), 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, DC 20036. *Furniture parts,* except commodities in bulk, from points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, WY, and points in AL, LA, MI, MS, OH, TN, VA, WV, on and west of a line beginning at the United States-Canadian International boundary line near Sault Ste. Marie, MI, and extending south along the eastern coast of MI to Lexington, MI, then west along MI Hwy 90 to junction MI Hwy 24, to junction MI Hwy 46, to junction MI Hwy 52, to junction MI Hwy 57, to junction MI Hwy 66, to junction Interstate Hwy 94, to junction U.S. Hwy 27, to junction U.S. Hwy 12, to junction MI Hwy 49, to junction OH Hwy 49, to junction OH Hwy 34, to junction OH Hwy 15, to junction OH Hwy 65, to junction U.S. Hwy 30N, to junction OH Hwy 235, to junction U.S. Hwy 30S, to junction OH Hwy 31, to junction U.S. Hwy 33, to junction U.S. Hwy 23, to junction U.S. Hwy 35, to junction WV Hwy 34, to junction WV Hwy 3, to junction WV Hwy 10, to junction WV Hwy 80, to junction WV Hwy 83, to junction WV Hwy 16, to junction VA Hwy 16, to junction Interstate Hwy 81, to junction Interstate Hwy 40, to junction U.S. Hwy 11, to junction U.S. Hwy 72, to junction U.S. Hwy 72 Alternate, to junction U.S. Hwy 31, to junction AL Hwy 24, to junction MS Hwy 23, to junction U.S. Hwy 78 to junction MS Hwy 6, to junction MS Hwy 15, to junction MS Hwy 19, to junction U.S. Hwy 11 to New Orleans, LA, and then along the MS River to the Gulf of Mexico to those points in NC and VA on and bounded by a line beginning at the VA Beach, VA and extending west along U.S. Hwy 58 to junction VA Hwy 93, to junction NC Hwy 93, to junction U.S. Hwy 21, to junction NC Hwy 67, to junction U.S. Hwy 601, to junction NC Hwy 801, to junction U.S. Hwy 64, to junction NC Hwy 8, to junction NC Hwy 47, to junction NC Hwy 109, to junction NC Hwy 27, to junction U.S. Hwy 220, to junction NC Hwy 211, to junction NC Hwy 20, to junction NC Hwy 87, to junction U.S. Hwy 76, to junction U.S. Hwy 421 to the Atlantic Ocean, and then north along the Atlantic Ocean coast to the point of beginning. The purpose of this filing is to eliminate the gateway of points in Smyth County, VA.

No. MC 61825 (Sub-No. E1230), 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, DC 20036. *Furniture parts,* except commodities in bulk, from points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, MN, MO, MT, NE, NV, NM, ND, OH, OR, SD, UT, WA, WI, WY, and points in IL, IN, KY, MO, NY, OK, PA, TX, VA, WV, on and west of a line beginning at the Canada-United States International boundary line at U.S. Hwy 62, then south along U.S. Hwy 62 to junction PA Hwy 36, to junction PA Hwy 66, to junction PA Hwy 36, to junction PA Hwy 66, to junction U.S. Hwy 322, to junction PA Hwy 68, to junction PA Hwy 66, to junction Interstate Hwy 70, to junction PA Hwy 819, to junction U.S. Hwy 119, to junction U.S. Hwy 19 to Bluefield, WV, to junction VA Hwy 16 to Smyth County, VA, and points west and north of a line beginning at Smyth County, VA and extending along VA Hwy 16 to junction U.S. Hwy 460, to junction KY Hwy 80, to junction U.S. Hwy 421, to junction Interstate Hwy 75, to junction KY Hwy 52, to junction U.S. Hwy 150, to junction U.S. Hwy 62, to junction U.S. Hwy 31W, to junction U.S. Hwy 60, to junction U.S. Hwy 60 bypass, to junction KY Hwy 56, to junction IL Hwy 13, to junction IL Hwy 149, to junction IL Hwy 3, to junction MO Hwy 51, to junction MO Hwy 72, to junction MO Hwy 106, to junction MO Hwy 17, to junction MO Hwy 38, to junction U.S. Hwy 66, to junction Interstate Hwy 44, to junction U.S. Hwy 62, to junction U.S. Hwy 87, to junction TX Hwy 349, to junction U.S. Hwy 90 to the Terrell-Val Verde County line, then south along the Terrell-Val Verde County line to the Texas-Mexico International boundary line, to those points in NC, SC, and VA on and bounded by a line beginning at the Atlantic Ocean and extending along U.S. Hwy 421, then northwest along U.S. Hwy 421 to junction U.S. Hwy 76, to junction NC Hwy 87, to junction NC Hwy 20, to junction NC Hwy 211, to junction U.S. Hwy 220, to junction NC Hwy 27, to junction NC Hwy 109, to junction NC Hwy 47, to junction NC Hwy 8, to junction U.S. Hwy 64, to junction NC Hwy 801, to junction U.S. Hwy 601, to junction NC Hwy 67, to junction U.S. Hwy 21, to junction NC Hwy 93, to junction VA Hwy 16 to Smyth County, VA, then along VA Hwy 16, to junction NC Hwy 113, to junction NC Hwy 18, to junction NC Hwy 16, to junction U.S. Hwy 321, to junction U.S. Hwy 21, to the Atlantic Ocean, then along the coast of SC and NC to the point of beginning. The purpose of this filing is to eliminate the gateway of points in Smyth County, VA.

No. MC 61825 (Sub-No. E1231), 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, DC 20036. *Furniture parts,* except commodities in bulk, from points in CO, DC, ID, ME, MA, MT, NH, NJ, NY, ND, OR, PA, RI, VT, WA, WV, and points in

CA, CO, DE, IN, IA, KY, MD, MI, MN, NE, NV, OH, SD, VT, VA, WI, WY on and north of a line beginning at Woodland Beach, DE, and extending east along DE Hwy 6 to junction DE Hwy 9, to junction DE Hwy 8, to junction MD Hwy 454, to junction MD Hwy 302, to junction U.S. Hwy 301, to junction U.S. Hwy 50, to junction U.S. Hwy 29, to junction U.S. Hwy 250, to junction U.S. Hwy 340, to junction U.S. Hwy 11 to Christiansburg, VA, then along Interstate Hwy 81 to junction VA Hwy 16, to junction U.S. Hwy 19, to junction U.S. Hwy 460, to junction KY Hwy 1499, to junction KY Hwy 194 to the KY-WV State line, to junction KY Hwy 40, to junction KY Hwy 3, to junction KY Hwy 1, to junction U.S. Hwy 23, to junction U.S. Hwy 52, to junction OH Hwy 239, to junction OH Hwy 104, to junction OH Hwy 73, to junction U.S. Hwy 68, to junction U.S. Hwy 35, to junction OH Hwy 48, to junction OH Hwy 185, to junction U.S. Hwy 127, to junction U.S. Hwy 33, to junction IN Hwy 13, to junction U.S. Hwy 131, to junction MI Hwy 216, to junction MI Hwy 40, to junction MI Hwy 43 to South Haven, MI, then to Lake Michigan, then northwest across Lake Michigan to Sheboygan, WI, then along WI Hwy 28 to junction WI Hwy 33 to junction U.S. Hwy 151, to junction U.S. Hwy 14, to junction WI Hwy 171, to junction WI Hwy 35, to junction IA Hwy 9, to junction U.S. Hwy 63, to junction MN Hwy 56, to junction U.S. Hwy 16, to junction U.S. Hwy 81, to junction SD Hwy 44, to junction SD Hwy 37, to junction U.S. Hwy 18, to junction SD Hwy 11, to junction NE Hwy 11, to junction NE Hwy 12, to junction U.S. Hwy 20, to junction NE Hwy 87, to junction NE Hwy 2, to junction NE Hwy 71, to junction NE Hwy 92, to junction WY Hwy 92, to junction WY Hwy 161, to junction U.S. Hwy 85, to junction U.S. Hwy 87, to junction CO Hwy 14, to junction U.S. Hwy 40, to junction CO Hwy 134, to junction CO Hwy 131, to junction U.S. Hwy 6, to junction CO Hwy 13, to junction CO Hwy 64, to junction U.S. Hwy 40, to junction UT Hwy 33, to junction U.S. Hwy 6, to junction UT Hwy 10, to junction UT Hwy 29, to junction U.S. Hwy 89, to junction UT Hwy 26, to junction U.S. Hwy 50, to junction NV Hwy 23, to junction U.S. Hwy 6, to junction CA Hwy 120, to junction CA Hwy 140, to junction CA Hwy 59, to junction CA Hwy 152, to junction U.S. Hwy 101, to junction CA Hwy 68 to Monterey, CA, and then to the Pacific Ocean, to points in NC, SC, and VA on and bounded by a line beginning at the GA-SC State line and extending north along SC Hwy 187 to junction SC Hwy 181, to junction SC Hwy 81, to junction U.S. Hwy 29, to junction SC Hwy 14, to junction U.S. Hwy 176, to junction NC Hwy 108, to junction U.S. Hwy 64, to junction NC Hwy 18, to junction U.S. Hwy 321, to junction U.S. Hwy 221, to junction NC Hwy 16, to junction VA Hwy 16 to Smyth County, VA, then southeast along VA Hwy 16 to junction NC Hwy 113, to junction NC Hwy 18, to junction NC Hwy 16 to junction U.S. Hwy 321, to junction U.S. Hwy 21, to the Atlantic Ocean, then southwest to the SC-GA State line, and then northwest to the point of beginning and points in FL and GA on and southeast of a line beginning at Carrabelle Beach, FL and extending north along U.S. Hwy 319 to junction GA Hwy 33 to junction U.S. Hwy 41, to junction U.S. Hwy 129, to junction GA Hwy 16, to junction GA Hwy 44, to junction GA Hwy 77, to junction GA Hwy 368 to the GA-SC State line. The purpose of this filing is to eliminate the gateway of points in Smyth County, VA.

No. MC 61825 (Sub-No. E1232), 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, DC 20036. *Such iron and steel articles* as are used as construction materials, except commodities in bulk, (1) Between points in Indiana County, PA, on and north of PA Hwy 286, on the one hand, and, on the other, points in Berkeley, Charleston, Florence, Georgetown, Horry, Marion, and Williamsburg Counties, SC. (2) Between points in Berkeley, Charleston, Florence, Georgetown, Horry, Marion, and Williamsburg, Counties, SC, on the one hand, and, on the other, points in Indiana H County, PA, on and north of PA Hwy 286. The purpose of this filing is to eliminate the gateway of (1) Coketown, Brooke County, WV in the Weirton WV Commercial Zone, Clarksburg, WV and Lynchburg, VA. (2) Lynchburg, VA and Weirton, WV.

No. MC 61825 (Sub-No. E1233), 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, DC 20036. *Such iron and steel articles* as are used as construction materials, except commodities in bulk, (1) Between points in Westmoreland County, PA, on and west of a line beginning at the Fayette-Westmoreland County, line, then north along PA Hwy 819 to junction PA Hwy 66, then north along PA Hwy 66 to the Armstrong-Westmoreland County line, on the one hand, and, on the other, points in Berkeley, Charleston, Florence, Georgetown, Horry, Marion, and Williamsburg Counties, SC. (2) Between points in Berkeley, Charleston, Florence, Georgetown, Horry, Marion, and Williamsburg Counties, SC, on the one hand, and, on the other, points in Westmoreland County, PA on and west of a line beginning at the Fayette-Westmoreland County line, then north along PA Hwy 819 to junction PA Hwy 66, then north along PA Hwy 66 to the Armstrong-Westmoreland County line. The purpose of this filing is to eliminate the gateway of (1) Coketown, Brooke County, WV, Clarksburg, WV and Lynchburg, VA, (2) Lynchburg, VA, and Weirton, WV.

No. MC 61825 (Sub-No. E1234), 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, DC 20036. *Such iron and steel articles* as are used as construction materials, except commodities in bulk, (1) Between points in Ashland County, OH, on the one hand, and, on the other, those points in SC on and east of a line beginning at the NC-SC State line, then south along U.S. Hwy 1 to junction U.S. Hwy 21 at Columbia, SC then south along U.S. Hwy 21 to the Atlantic Ocean. (2) Between those points in SC on and east of a line beginning at the NC-SC State line, then south along U.S. Hwy 1 to junction U.S. Hwy 21 at Columbia, SC then south along U.S. Hwy 21 to the Atlantic Ocean, on the one hand, and, on the other, points in Ashland County, OH. The purpose of this filing is to eliminate the gateway in (1) Coketown, Brooke County, WV, Clarksburg, WV and Lynchburg, VA and (2) Lynchburg, VA and Weirton, WV.

No. MC 61825 (Sub-No. E1235), 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, DC 20036. *Such iron and steel articles* as are used as construction materials, except commodities in bulk, (1) Between points in Holmes and Tuscarawas Counties, OH on and north of OH Hwy 39, on the one hand, and, on the other, those points in SC on and east of U.S. Hwy 1. (2) Between points in SC on and east of U.S. Hwy 1, on the one hand, and, on the other, points in Holmes and Tuscarawas Counties, OH on and north of OH Hwy 39. The purpose of this filing is to eliminate the gateway of (1) Coketown, Brooke County, WV, Clarksburg, WV and Lynchburg, VA. (2) Lynchburg, VA and Weirton, WV.

No. MC 61825 (Sub-No. E1236), 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, DC 20036. *Such iron and steel articles* as are used as construction materials, except commodities in bulk, (1) Between points in Defiance, Fulton, Henry, Seneca, Williams, and Wood Counties, OH, on the one hand, and, on the other, points in

Berkeley, Charleston, Clarendon, Dillon, Florence, Georgetown, Horry, Marion, Sumter, and Williamsburg Counties, SC, and those points in Darlington, Lee, and Marlboro Counties, SC on and east of U.S. Hwy 15. (2) Between points in Berkeley, Charleston, Clarendon, Dillon, Florence, Georgetown, Horry, Marion, Sumter, and Williamsburg Counties, SC and those points in Darlington, Lee and Marlboro Counties, SC on and east of U.S. Hwy 15, on the one hand, and, on the other, points in Defiance, Fulton, Henry, Seneca, Williams, and Wood Counties, OH. The purpose of this filing is to eliminate the gateway of (1) Coketown, Brooke County, WV, Clarksburg, WV, and Lynchburg, VA and (2) Lynchburg, VA and Weirton, WV.

No. MC 61825 (Sub-No. E1237), 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, DC 20036. *Such iron and steel articles* as are used as construction materials, except commodities in bulk, (1) Between points in Hancock, Paulding, and Putnam Counties, OH, on the one hand, and, on the other, points in Charleston, Georgetown, and Horry Counties, SC. (2) Between points in Charleston, Georgetown, Horry Counties, SC, on the one hand, and, on the other, points in Hancock, Paulding, and Putnam Counties, OH. The purpose of this filing is to eliminate the gateway of (1) Coketown, Brooke County, WV, Clarksburg, WV, and Lynchburg, VA. (2) Lynchburg, VA and Weirton, WV.

No. MC 61825 (Sub-No. E1238), 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, DC 20036. *Such iron and steel articles as are used as construction materials*, except commodities in bulk, (1) Between points in Knox, Marion, Morrow, and Van Wert Counties, OH, on the one hand, and, on the other, points in Charleston, Georgetown and Horry Counties, SC. (2) Between points in Charleston, Georgetown, and Horry Counties, SC, on the one hand, and, on the other, points in Knox, Marion, Morrow, and Van Wert Counties, OH. The purpose of this filing is to eliminate the gateway of (1) Coketown, Brooke County, WV, and Clarksburg, WV, and Lynchburg, VA. (2) Lynchburg, VA and Weirton, WV.

No. MC 61825 (Sub-No. E1239), 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, DC 20036. *Such iron and steel articles as are used as construction materials*, except commodities in bulk, (1) Between points in Wyandot County, OH, on the one hand, and, on the other, points in Berkeley, Charleston, Clarendon, Florence, Georgetown, Horry, Marion and Williamsburg Counties, SC. (2) Between points in Berkeley, Charleston, Clarendon, Florence, Georgetown, Horry, Marion, and Williamsburg Counties, SC, on the one hand, and, on the other, points in Wyandot County, OH. The purpose of this filing is to eliminate the gateway of (1) Coketown, Brooke County, WV, Clarksburg, WV, and Lynchburg, VA. (2) Lynchburg, VA, and Weirton, WV.

No. MC 61825 (Sub-No. E1240), 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, DC 20036. *Such iron and steel articles as are used as construction materials*, except commodities in bulk, (1) Between points in Crawford and Richland Counties, OH, on the one hand, and, on the other, points in SC on and east of a line beginning at the NC-SC State line, then south along U.S. Hwy 15 to junction U.S. Hwy Alternate 17 at Walterboro, SC, then south along U.S. Hwy Alternate 17 to junction U.S. Hwy 17 at or near Pocataligo, SC, then south along U.S. Hwy 17 to the GA-SC State line. (2) Between points in SC on and east of a line beginning at the NC-SC State line, then south along U.S. Hwy 15 to junction U.S. Hwy Alternate 17 at Walterboro, SC, then south along U.S. Hwy Alternate 17 to junction U.S. Hwy 17 at or near Pocataligo, SC, then south along U.S. Hwy 17 to the GA-SC State line, on the one hand, and, on the other, points in Crawford and Richland Counties, OH. The purpose of this filing is to eliminate the gateway of (1) Coketown, Brooke County, WV, Clarksburg, WV, and Lynchburg, VA. (2) Lynchburg, VA, and Weirton, WV.

No. MC 61825 (Sub-No. E1241), 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, DC 20036. *Such iron and steel articles* as are used as construction materials, except commodities in bulk, (1) Between points in Holmes and Tuscarawas Counties, OH, on the one hand, and, on the other, those points in SC on and east of a line beginning at the NC-SC State line, then south along U.S. Hwy 1 to junction U.S. Hwy 52, then south along U.S. Hwy 52 to junction U.S. Hwy 15, to junction U.S. Hwy Alternate 17 to Walterboro, SC, then south along U.S. Hwy Alternate 17 to junction U.S. Hwy 17, at or near Pocataligo, SC, then south along U.S. Hwy 17 to the GA-SC State line. (2) Between those points in SC on and east of a line beginning at the NC-SC State line, then south along U.S. Hwy 1 to junction U.S. Hwy 52, then south along U.S. Hwy 52 to junction U.S. Hwy 15, to junction U.S. Hwy Alternate 17 at Walterboro, SC, then south along U.S. Hwy Alternate 17 to junction U.S. Hwy 17 at or near Pocataligo, SC, then south along U.S. Hwy 17 to the GA-SC State line, on the one hand, and, on the other, points in Holmes and Tuscarawas Counties, OH. The purpose of this filing is to eliminate the gateway of (1) Coketown, Brooke County, WV, Clarksburg, WV, and Lynchburg, VA. (2) Lynchburg, VA and Weirton, WV.

No. MC 61825 (Sub-No. E1242), 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, DC 20036. *Such iron and steel articles* as are used as construction materials, except commodities in bulk, (1) Between points in Allen and Hardin Counties, OH, on the one hand, and, on the other, Charleston, SC. (2) Between Charleston, SC, on the one hand, and, on the other, points in Allen and Hardin Counties, OH. The purpose of this filing is to eliminate the gateway of (1) Coketown, Brooke County, WV, Clarksburg, WV, and Lynchburg, VA. (2) Lynchburg, VA and Weirton, WV.

No. MC 61825 (Sub-No. E1243), 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, DC 20036. *Such iron and steel articles* as are used as construction materials, except commodities in bulk, (1) Between points in Coshocton County, OH, on the one hand, and, on the other, points in Berkeley, Charleston, Florence, Georgetown, Horry, Marion and Williamsburg Counties, SC. (2) Between points in Berkeley, Charleston, Florence, Georgetown, Horry, Marion, and Williamsburg Counties, SC, on the one hand, and, on the other, points in Coshocton County, OH. The purpose of this filing is to eliminate the gateway of (1) Coketown, Brooke County, WV, Clarksburg, WV, and Lynchburg, VA. (2) Lynchburg, VA and Weirton, WV.

No. MC 61825 (Sub-No. E1244), 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, DC 20036. *General Commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or con-

taminating to other lading, from Newark, NJ and those points in NJ within 15 miles of Newark, NJ, to points in NC on, south an west of a line beginning at the VA-NC State line and extending along U.S. Hwy 1, then south along U.S. Hwy 1 to junction U.S. Hwy 401, then along U.S. Hwy 401 to junction NC Hwy 58, then along NC Hwy 58 to junction U.S. Hwy 264, then east along U.S. Hwy 264 to the Pamlico River, and east along the Pamlico River and Pamlico Sound to Atlantic, NC on the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Baltimore, MD, and Lynchburg, VA.

No. MC 61825 (Sub-No. E1245), 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, DC 20036. *General Commodities,* except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from those points in NC, on, south and west of a line beginning at the VA-NC State line, and extending along U.S. Hwy 1, then south along U.S. Hwy 1 to junction U.S. Hwy 401, then along U.S. Hwy 401 to junction NC Hwy 58, then along NC Hwy 58 to junction NC Hwy 43, then along NC Hwy 43 to junction U.S. Hwy 64 then along U.S. Hwy 64 to junction U.S. Hwy 13, then south along U.S. Hwy 13 to junction U.S. Hwy 264, then along U.S. Hwy 264 to the Pamlico River, and east along the Pamlico River and Pamlico Sound to Atlantic, NC, on the Atlantic Ocean, to NY, NY. The purpose of this filing is to eliminate the gateway of Lynchburg, VA, and Baltimore, MD.

No. MC 61825 (Sub-No. E1248), 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, DC 20036. *New furniture,* except commodities in bulk, from points in SC on and south of a line beginning at the NC-SC State line and extending along U.S. Hwy 221 to junction SC Hwy 215, to junction SC Hwy 34, to junction U.S. Hwy 52, to junction Interstate Hwy 95 to the NC-SC State line, to those points in NC on and bounded by a line beginning at the NC-VA State line and extending along U.S. Hwy 220 to junction NC Hwy 770 to the NC-VA State line, then to the point of beginning. The purpose of this filing is to eliminate the gateway of Martinsville, VA.

No. MC 83539 (Sub-No. E534), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* each weighing 15,000 pounds or more (except in drive-away service), and *related machinery, parts, materials, and supplies,* between points in IA, on the one hand, and, on the other, points in VA. The purpose of this filing is to eliminate the gateways of IL and IN.

No. MC 83539 (Sub-No. E535), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles each weighing 15,000 pounds or more* (except in driveaway service), and *related machinery, parts, materials, and supplies,* between points in IA, on the one hand, and, on the other, points in WV. The purpose of this filing is to eliminate the gateways of IL and IN.

No. MC 83539 (Sub-No. E536), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles each weighing 15,000 pounds or more* (except in driveaway service), and *related machinery, parts, materials, and supplies,* (A) between points in KS, on the one hand, and, on the other, points in KY in and east of Hardin, Hart, Edmonson, Warren, and Simpson Counties; and (B) between points in KS in, west and north of Greeley, Wallace, Logan, Thomas, and Rawlins Counties, on the one hand, and, on the other, points in KY west of Hardin, Hart, Edmonson, Warren, and Simpson Counties. Restriction: The operations authorized above are restricted against the transportation of any shipment which: (1) Originates at St. Louis or Kansas City, MO, and which is destined to any point in IA, KS, or MO, or (2) originates at any point in IA, KS, or MO and which is destined to St. Louis or Kansas City, MO; and are further restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of IA, IL, IN, and points in TN within a 50 mile radius of Nashville, TN.

No. MC 83539 (Sub-No. E537), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* each weighing 15,000 pounds or more (except in driveaway service), and *related machinery, parts, materials, and supplies,* (A) between points in KS, on the one hand, and, on the other, points in MI, except points in Ontonagon and Gogebic Counties. Restriction: The operations authorized above are restricted against the transportation of any shipment which: (1) Originates at St. Louis or Kansas City, MO, and which is destined to any point in IA, KS, or MO, or (2) originates at any point in IA, KS, or MO and, which is destined to St. Louis or Kansas City, MO. The purpose of this filing is to eliminate the gateways of IA, IL, and IN.

No. MC 83539 (Sub-No. E538), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* each weighing 15,000 pounds or more (except in driveaway service), and *related machinery, parts, materials, and supplies,* (A) between points in KS, on the one hand, and, on the other, points in OH. Restriction: The operations authorized above are restricted against the transportation of any shipment which: (1) Originates at St. Louis or Kansas City, MO, and which is destined to any point in IA, KS, or MO, or (2) originates at any point in IA, KS, or MO, and which is destined to St. Louis or Kansas City, MO, and further restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of IA, IL, and IN.

No. MC 83539 (Sub-No. E 539), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* each weighing 15,000 pounds or more (except in driveaway service), and *related machinery, parts, materials, and supplies,* between points in KS, on the one hand, and, on the other, points in PA. Restriction: The operations authorized above are restricted against the transportation of any shipment which: (1) Originates at St. Louis or Kansas City, MO, and which is destined to any point in IA, KS, or MO, or (2) originates at any point in IA, KS, or MO and which is destined to St. Louis or Kansas City, MO. The purpose of this filing is to eliminate the gateways of IA, IL, and IN.

No. MC 83539 (Sub-No. E540), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* each weighing 15,000 pounds or more (except in driveaway service), and *related machinery, parts, materials and supplies,* (A) between points in KY, on the one hand, and, on the other, points in MO in and north of Buchanan, Clinton, Caldwell, Livingston, Linn, Adair, Scotland, and Clark Counties; and (B) between points in Kentucky in and east of Hardin, Hart, Barren, and Monroe Counties, on the one hand, and, on the other, points in Platte, Clay, Ray, Caldwell, Macon,

Shelby, Marion, Knox, and Lewis Counties, MO. Restriction: The operations authorized above are restricted against the transportation of any shipment which: (1) Originates at St. Louis or Kansas City, MO, and which is destined to any point in IA, KS, or MO, or (2) originates in IA, KS, or MO and which is destined to St. Louis or Kansas City, MO. The purpose of this filing is to eliminate the gateways of IL and IA.

No. MC 83539 (Sub-No. E541), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas TX 57222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* (except in driveaway service), each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, (A) between points in Kentucky in and west of Hardin, Grayson, Edmonson, Barren, and Allen Counties, on the one hand, and, on the other, points in NC in and east and south of Vance, Franklin, Wake, Harnett, Lee, Moore, Montgomery, Stanley, Cabarrus and Mecklenburg Counties; and (B) between points in Jefferson and Bullitt Counties, KY, on the one hand, and, on the other, points in NC in, east and south of Robeson, Columbus, Pender, Onslow, Jones, Craven, Pamlico, and Carteret Counties. Restriction: Operations authorized under the commodity description above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in TN within a 50 mile radius of Nashville, TN.

No. MC 83539 (Sub-No. E542), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* (except in driveaway service), each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; between points in LA, on the one hand, and, on the other, points in OH. Restriction: Operations authorized under the commodity description above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of KY and AR or MS.

No. MC 83539 (Sub-No. E543), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* (except in driveaway service), each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; between points in LA, on the one hand, and, on the other, points in PA. Restriction: Operations authorized under the commodity description above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of KY and AR or MS.

No. MC 83539 (Sub-No. E544), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* (except in driveaway service), each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; (A) between points in LA, in and east of Morehouse, Ouachita, Caldwell, La Salle, Grant, Rapides, Evangeline, Saint Landry, Lafayette, and Iberia Parishes, on the one hand, and, on the other, points in WY in and north of Teton, Park, Hot Springs, Washakie, Johnson, Campbell, and Weston Counties; and (B) between points in LA, in and east of West Feliciana, West Baton Rouge, East Baton Rouge, Ascension, Assumption, and Terrebonne Parishes, on the one hand, and, on the other, points in Sublette, Fremont, Natrona, Converse, and Niobrara Counties, WY. Restrictions: (1) The operations authorized above are restricted against the transportation of any shipment whch originates at St. Louis or KS City, MO, and which is destined or any point in IA, KS, or MO, or originates at any point in IA, KS, or MO and which is destined to St. Louis or Kansas City, MO. (2) The operations authorized under the commodity description above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of SD, IA, IL, KY, and AR or MS.

No. MC 83539 (Sub-No. E545), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* (except in driveaway service), each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies;* between points in MI, on the one hand, and, on the other, points in LA. Restriction: The operations authorized under the commodity description above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of KY, and AR, or MS.

No. MC 83539 (Sub-No. E546), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* each weighing 15,000 pounds or more (except in drive-away service), and *related machinery, parts, materials, and supplies,* between points in MI, on the one hand, and, on the other points in MS. The purpose of this filing is to eliminate the gateway of KY.

No. MC 83539 (Sub-No. E547), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* each weighing 15,000 pounds or more (except in drive-away service), and *related machinery, parts, materials, and supplies,* (A) between points in Marquette, Delta, Alger, and Schoolcraft Counties, MI, on the one hand, and, on the other, points in NE, in and south of Scottsbluff, Morrill, Garden, Arthur, McPherson, Logan, Custer, Valley, Greeley, Boone, Platte, Colfax, Dodge, and Washington Counties; and (B) between points in MI in, east, and south of Luce and Mackinac Counties, on the one hand, and on the other, points in NE. The purpose of this filing is to eliminate the gateways of IL and IN.

No. MC 83539 (Sub-No. E548), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* each weighing 15,000 pounds or more (except in drive-away service), and *related machinery, parts, materials, and supplies,* (A) between points in MI, in and east of Houghton and Iron Counties, on the one hand, and, on the other, points in NM; and (B) between points in Gogebic and Ontonagon Counties, MI, on the one hand, and, on the other, points in NM in, west and south of Rio Arriba, Santa Fe, San Miguel, and Quay Counties. The purpose of this filing is to eliminate the gateway of IN.

No. MC 83539 (Sub-No. E549), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* (except in drive-away service), each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith; (A) between points in Alger, Schoolcraft, Luce, Mackinac, and Chippewa Counties, MI, on the one hand, and, on the other, points in NC in, west and south of Madison, Buncombe, Rutherford, Cleveland, Lincoln, Mecklenburg, Union, and Anson Counties; (B) between points in Keweenaw, Houghton, Iron, Dickinson, Menominee, Ontonagon, and Gogebic Counties, MI, on the one hand, and, on the other, points in NC, and (C) between points in Baraga, Marquette, and Delta Counties, MI, on the one hand, and, on the other, points in NC in and west of Vance, Franklin, Nash, Edgecombe, Wilson, Greene, Lenoir, Duplin, and Onslow

Counties. Restriction: Operations authorized under the commodity description above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of KY and points in TN within a 50 mile radius of Nashville.

No. MC 83539 (Sub-No. E550), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* each weighing 15,000 pounds or more (except in drive-away service), and *related machinery, parts, materials, and supplies* between points in MI, on the one hand, and, on the other, points in OK. The purpose of this filing is to eliminate the gateway of IN.

No. MC 83539 (Sub-No. E551), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* (except in driveaway service), each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; (A) between points in MI in and west of Marquette and Delta Counties, on the one hand, and, on the other, points in TN; and (B) between points in the Lower Peninsula of MI and points in the Upper Peninsula of MI east of Marquette and Delta Counties, on the one hand, and, on the other, points in TN in and west of Macon, Jackson, Putnam, Cumberland, Bledsoe, and Hamilton Counties. Restriction: Operations authorized under the commodity description above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of KY and points in TN within a 50-mile radius of Nashville.

No. MC 83539 (Sub-No. E552), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* (except in driveaway service), each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; between points in TX, on the one hand, and, on the other, points in MI. The purpose of this filing is to eliminate the gateway of IN.

No. MC 83539 (Sub-No. E553), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles* (except in driveaway service), each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; between points in MS on the one hand, and, on the other, points in OH. The purpose of this filing is to eliminate the gateway of KY.

No. MC 83539 (Sub-No. E554), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Self-propelled articles each weighing 15,000 pounds or more* (except in driveaway service), and *related machinery, parts, materials, and supplies;* between points in MS, on the one hand, and, on the other, points in PA. The purpose of this filing is to eliminate the gateway of KY.

No. MC 107012 (Sub-No. E312), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, uncrated,* (1) From points in Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox and Worth Counties, GA, to points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union, and Webster Counties, KY; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS.

(2) From points in Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, Whitfield, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty and Screven Counties, GA, to points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS.

(3) From points in Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne and Wheeler Counties, GA., to points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapides, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC 107012 (Sub-No. E313), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Uncrated,* (1) from points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapides, Saint Landry and Vernon Parishes, LA; to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, DeKalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL; Charlotte, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach and Saint Lucie Counties, FL: Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson,

DeKalb, Elbert, Fannin, Fayette, Forsuth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Town, Walton, Union, Baldwin, Burke, Columbia, Emanual, Glascock, Greene, White, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, Whitfield, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty and Screven Counties, GA; points in KY; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, DeSoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS; points in NC, SC, TN; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hamphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX; points in VA.

(2) From points in Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette and Vermilion Parishes, LA; to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Winston, Walker, DeKalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL; Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnum, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, Whitfield, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty and Screven Counties, GA; points in KY; Bolivar, Carrol, Coahoma, Genada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, DeSoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pntotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS; points in NC, SC, TN; Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX; and points in VA.

(3) From points in Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll and Winn Parishes, LA to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, DeKalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL; Charlotte, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL; points in GA, KY; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, WAshington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, chictaw, Clay, DeSoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS; points in NC; Beaver, Cimarron and Texas Counties, OK; points in SC, TN; Andrews, Archer, Baylor, Blanco, Bordon, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX; and points in VA.

(4) From points in Ascension, Assumption, East Baton Rouge, East Fe-

liciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; to points in Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble, Warren, Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, Woodford, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott, Wolfe, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike and Whitley Counties, KY; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS; Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, Texas, Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole and Stephens Counties, OK; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, TN; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wilbarger, Brewster, Culberson, Wichita, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX.

(5) From points in Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine and Webster Parishes, LA, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, DeKalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL; Charlotte, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL; points in GA and KY; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS; points in NC, SC, TN; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Corvell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX; points in VA. The purpose of this filing is to eliminate the gateway of points in AR.

No. MC 107012 (Sub-No. E314), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, uncrated,* (1) From points in Aroostook, Penobscot, Piscataquis, Somerset, Hancock, Knox, Waldo and Washington Counties, ME, to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake and Warren Counties, NC; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC; Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania,

Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties, VA; and the Independent Cities of: Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston and Staunton, VA; Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV.

(2) From points in Androscoggin, Cumberland, Franklin, Kennebec, Lincoln, Oxford, Sagadahoc and York Counties, ME, to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC; Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC; Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties, VA; and the Independent Cities of: Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston and Staunton, VA; Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. The purpose of this filing is to elimninate the gateway of points in KY, and TN (except points in Hamblen County, TN).

No. MC 107012 (Sub-No. E315), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, uncrated,* (1) From points in Anne Arundel, Calvert, Caroline, Charles, Montgomery, Prince Georges, Queen Annes, St. Marys and Talbot Counties, MD, to points in FL; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey, NC; Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC.

(3) From points in Allegany, Garrett and Washington Counties, MD, to points in FL and GA; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC; Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC.

(4) From points in Dorchester, Somerset, Wicomico and Worcester Counties, MD, to points in Charlotte, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell,

Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC; Abbeville, Anderson, Greenville, Oconee and Pickens Counties, SC; Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. The purpose of this filing is to eliminate the gateway of points in KY AND TN (except points in Hamblen County, TN).

No. MC 107012 (Sub-No. E316), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary Crist (same as above). *New furniture, uncrated,* (1) From points in Essex, Middlesex, Norfolk, Suffolk, Barnstable, Bristol, Dukes, Plymouth and Worcester Counties, MA, to points in Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, and Washington Counties, FL; Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, and Whitefield Counties, GA; Bedford, Bledsoe, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Bradley, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Summer, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, TN.

(2) From points in Berkshire, Franklin, Hampden, and Hampshire Counties, MA, to points in Charlotte, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, FL; Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, and Whitefield Counties, GA; Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, TN. The purpose of this filing is to eliminate the gateway of points in KY.

No. MC 107012 (Sub-No. E317), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncrated.* (1) From points in Coos County, NH, to points in Charlotte, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA; Buncombe, Cherokee, Clay, Graham, Haywook, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC; points in WI.

(2) From points in Cheshire, Hillsboro and Sullivan Counties, NH, to points in Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Bay, Calhoun, Escambia, Guld, Holmes, Jackson, Okaloosa, Santa Rosa, Walton and Washington Counties, FL; Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield, GA; Ashland, Barron, Bayfied, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Iron, Pepin, Pierce, Polk, Price, Rusk, Saint Croix, Sawyer, Taylor, Vilas, Washburn, Door, Florence, Forest, Kewaunee, Langlade, Lincoln, Marinette, Menominee, Oconto, Oneida, Buffalo, Crawford, Grant, Iowa, Jackson, Juneau, LaCrosse, Lafayette, Monroe, Richland, Saulk, Trempealeau, Vernon, Adams, Brown, Calumet, Clark, Fond Du Lac, Green Lake, Manitowoc, Marathon, Marquette, Outagamie, Portage, Shawano, Sheboygan, Waupaca, Waushara, Winnebago and Wood Counties, WI.

(3) From points in Carroll and Grafton Counties, NH, to points in Charlotte, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL; Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA; points in WI. (4) From points in Belknap, Merrimack, Rockingham and Strafford Counties, NH, to points in Charlotte, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobe, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madi-

son, Suwannee, Taylor and Wakulla Counties, FL; Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA; points in WI. The purpose of this filing is to eliminate the gateway of points in KY.

No. MC 107012 (Sub-No. E318), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, uncrated,* (1) From points in Atlantic, Burlington, Cape May, Monmouth, Ocean, Hunterdon, Mercer, Middlesex, Somerset and Union Counties, NJ, to points in GA; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC; Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC; Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV.

(2) From points in Camden, Cumberland, Gloucester and Salem Counties, NJ, to points in Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC; Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC; Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV.

(3) From points in Morris, Sussex, Warren, Bergen, Essex, Hudson and Passaic Counties, NJ, to points in GA; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mechlenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC; Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC; Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. The purpose of this filing is to eliminate the gateways of points in TN (except points in Hamblen County, TN).

No. MC 107012 (Sub-No. E319), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, uncrated,* (1) From points in Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne, Yates, Allegany, Cattaraugus, Chatauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, Wyoming, Herkimer, Jefferson, Lewis, Oneida, Oswego and St. Lawrence Counties, NY, to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mechlenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC. (2) From points in Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Sullivan, Ulster, Westchester and Suffolk Counties, NY, to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC; Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC; Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. (3) From points in Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren and Washington Counties, NY, to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC; Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Boone, Cabell, Lincoln, Logan Mingo, Putnam and Wayne Counties, WV. The purpose of this filing is to eliminate the gateway of points in TN (except points in Hamblen County, TN)

No. MC 107012 (Sub-No. E-320), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncrated.* (1) from points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC, to points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapides, Saint Landry, Vernon,

Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN.

(2) From points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Wilson, Pamlico, Pasquotank, Per Quimans, Pitt, Tyrrell and Washington Counties, NC, to points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN.

(3) From points in Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland and Wayne Counties, NC, to points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall and Wilkinson Counties, MS; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN.

(4) From points in Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake and Warren Counties, NC, to points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Attala, Claiborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith and Winston Counties, MS; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN. The purpose of this filing is to eliminate the gateway of points in AR.

No. MC 107012 (Sub-No. E-321), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncrated,* (1) from points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango and Warren Counties, PA; to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, DeKalb, Jackson, Limestone, Madison, Marshall, Morgan, Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington, and Wilcox Counties, AL; Buncombe, Cherokee, Clay, Graham, Haywood, henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC; points in SC; (2) from points in Adams, Berdford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Synder, Tioga and Union Counties, PA, to points in AL; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC; Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC; (3) from points in Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill and York Counties, PA, to points in AL; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC; Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, SC; Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV; (4) from points in Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, and Wyoming Counties, PA, to points in AL; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties, NC; Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, SC; (5) from points in Allegheny, Armstrong, Beaver, Butler,

Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA, to points in AL; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, NC: Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC. The purpose of this filing is to eliminate the gateway of points in TN (except points in Hamblen County, TN).

No. MC 107012 (Sub-No. E322), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, uncrated,* (1) from points in Bristol, Newport, Washington, Kent, and Providence Counties, RI, to points in Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, and Washington Counties, FL; Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA; Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, TN. The purpose of this filing is to eliminate the gateway of points in KY.

No. MC 107012 (Sub-No. E323), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncrated,* (1) from points in Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, and Orangeburg Counties, SC, to points in Bond, Calhoun, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Adams, Brown, Cass, Fulton, Hancock, Henderson, Knox, Logan, Marshall, Mason, McDonough, Menard, Peoria, Schuyler, Stark, Tazewell, Warren and Woodford Counties, IL; points in IA; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; points in MN; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN.

(2) From points in Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, and Sumter Counties, SC, to points in Bond, Calhoun, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott and Shelby Counties, IL; points in IA; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona, Wright, Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, Yellow Medicine, Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock and Watonwan Counties, MN; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS.

(3) From points in Clarendon, Dillon, Florence, Georgetown, Horry, Marion and Williamsburg Counties, SC, to point in Bond, Calhoun, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, Washington, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona, Wright, Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, Yellow Medicine, Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone,

Redwood, Rock and Watonwan Counties, MN; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton, TN.

(4) From points in Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC, to points in Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock and Watonwan Counties, MN. The purpose of this filing is to eliminate the gateway of points in AR.

No. MC 107012 (Sub-No. E324), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncrated,* from points in Caledonia, Essex and Orleans Counties, VT, to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, NC. The purpose of this filing is to eliminate the gateway of points in KY.

No. MC 107012 (Sub-No. E325), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncrated,* (1) from points in Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford and Westmoreland Counties, VA, and the independent cities of Alexandria, Fairfax, Falls Church and Fredericksburg, VA; to points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN.

(2) From points in Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Floyd, Franklin, Giles, Grayson, Halifax, Craig, Henry, Dickenson, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties, and the independent cities of: Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, South Boston and Staunton, VA; to points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA.

(3) From points in Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southamton, Surry, Sussex and York Counties, and the independent cities of Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach and Williamsburg, VA; to points in Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN.

(4) From points in Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties, and the independent cities of Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, and Waynesboro, VA; Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah and Warren Counties; and the independent cities of Harrisonburg and Winchester, VA; to points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine and Webster Parishes, LA; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E326), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncrated,* (1) from points in Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Barbour, Berkeley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt and Wood Counties, WV, to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania and Yancey Counties, NC; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens,

Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC.

(2) From points in Brooke, Hancock, Marshall and Ohio Counties, WV, to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties, NC; points in SC.

(3) From points in Boone, Cabell, Lincoln, Logan, Mingo, Putnam, and Wayne Counties, WV to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, Washington, Wilson, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland and Wayne Counties, NC; points in SC; Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex and York Counties, VA, and the independent cities of Chesapeake, Emporia, Franklin Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, VA. The purpose of this filing is to eliminate the gateway of points in TN (except points in Hamblen County, TN).

No. MC 107012 (Sub-No. E327), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated,* (1) from points in MS, to points in CO, ID, IA, MN, MT, NV, ND, OR, SD, UT, WA, and WY.

(2) From points in Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, and Yazoo Counties, MS, to points in Apache, Coconino, Mohave, Navajo, Yavapai and Yuma Counties, AZ; points in CA and KS; McKinley, Rio Arriba and San Juan Counties, NM; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah and Warren Counties, VA and the independent cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Harrisonburg and Winchester, VA.

(3) From points in Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne Counties, MS, to points in Apache, Coconino, Mohave, Navajo, Yavapai, Yuma Counties, AZ; Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington Counties, AR; points in CA, KS; McKinley, Rio Arriba, San Juan, Colfax, Harding, Mora, Taos, Union Counties, NM; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, Texas Counties, OK.

(4) From points in Attala, Claiborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston Counties, MS; to points in Apache, Coconino, Mohave, Navajo, Yavapai Counties, AZ, points in CA, KS; McKinley, Rio Arriba, San Juan Counties, NM; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, Texas Counties, OK.

(5) From points in Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall, Wilkinson Counties, MS; to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendocino, Tehama, Trinity, Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, San Bernardino, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, Yolo Counties, CA; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee, Wyandotte, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumneer, Washington Counties, KS; Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott, and Wolfe Counties, KY; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, and Washington Counties, OK.

(6) From points in Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, De Soto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, Yalobusha Counties, MS; to points in AZ; Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington Counties, AR; points in CA, KS, NM, OK; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard; Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr,

Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler Counties, TX. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E328), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated,* (1) from points in ND, to points in AL, FL, GA, LA, MS.

(2) From points in Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark Counties, ND; to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Gardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Shelby, Simpson, Spencer, Todd, Trimble, Warren, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union, and Webster Counties, KY; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, Wayne, Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake, and Warren Counties, NC; points in SC and TN.

(3) From points in Barnes, Cass, Dickey, Kidder, LaMoure, Logan, McIntosh, Ransom, Richland, Sargent, Stutsman, Eddy, Foster, Grand Forks, Griggs, Nelson, Steele and Traill Counties, ND; to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Clarendon, Dillon, Florence, Georgetown, Horry, Marion, Williamsburg, Abbeville, Anderson, Greenville, Ocomee and Pickens Counties, SC; Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN.

(4) From points in Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh and Wells Counties, ND; to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski and Saline Counties, AR; Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Shelby, Simpson, Spencer, Todd, Trimble, Warren, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland and Wayne Counties, NC; points in SC; Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Grousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN.

(5) From points in Bottineau, Burke, McHenry, McLean, Mountrail, Renville and Ward Counties, ND; to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Shelby, Simpson, Spencer, Todd, Trimble, Warren, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland and Wayne Counties, NC; points in SC and TN.

(6) From points in Divide, McKenzie and Williams Counties, ND; points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White

Counties, AR; Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Shelby, Simpson, Spencer, Todd, Trimble, Warren, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, Wayne, Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake and Warren Counties; points in SC and TN. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E329), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated,* (1) from points in SD, to points in AL, FL, GA, LA, MS, SC, and TN.

(2) From points in Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Ziebach, Counties, SD, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline, White Counties, AR; Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, La Rue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble, Warren, Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, Woodford, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike, Whitely, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union, Webster Counties, KY; points in SC; Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, Albemarle, Amelia, Brunswick, Buckingham, Charles City; Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties, VA and the Independent Cities of Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro, VA.

(3) From points in Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter and Walworth Counties, SD, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline and White Counties, AR; Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, La Rue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble, Warren, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike, Whitley, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY; points in NC; Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickerson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smith Tazewell, Washington, Wise and Wythe Counties, VA, and the independent cities of Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston and Staunton, VA.

(4) From points in Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd and Tripp Counties, SD, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline and White Counties AR; Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, La Rue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble, Warren, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike, Whitely, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY; points in NC; Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickerson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth Tazewell, Washington, Wise and Wythe Counties, VA, and the independent cities of Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfork, Portsmouth, Suffolk, Virginia Beach and Williamsburg, VA.

(5) From points in Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsburg, Marshall, Roberts and Spink Counties, SD, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline and White Counties AR; Allen, Barren, Breckinridge, Bullitt,

Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, La Rue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble, Warren, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland and Wayne Counties, NC.

(6) From points in Aurora, Bon Homme, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerauld, Lake, Lincoln, McCook, Minor, Minnehaha, Moody, Sanborn, Turner, Union and Yankton Counties, SD, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline and White Counties AR; Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, La Rue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble, Warren, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY; points in NC; Alleghany Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties, VA, and the independent cities of Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston and Staunton, VA. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E330), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated,* (1) from points in WY, to points in AL, FL, GA, MS, NC, SC, and TN.

(2) From points in Albany, Carbon, Converse, Goshen, Laramie, Niobrara, Platte Counties, WY, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline, and White Counties, AR; Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, La Rue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble, Warren, Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne Woodford, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Mc Creary, Owsley, Perry, Pike, Whitley, Ballard, Caldwell, Calloway, Carlisle, Crittendan, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, Mc Cracken, Mc Lean, Trigg, Union, and Webster Counties, KY; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Alleghany, Amherst, Appamattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties, VA; and the Independent Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro, VA.

(3) From points in Park, Teton and Yellowstone National Park Counties, WY to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline and White Counties, AR; points in KY and LA; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Betotourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties, VA; and the Independent Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Bedford, Briston, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro, VA.

(4) From points in Lincoln, Sublette, Sweetwater and Uinta Counties, WY to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot

Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline and White Counties, AR, points in KY; Avoyelles, Catahoula, Concorida, Evangeline, Grant, La Salle, Rapides, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Ibreia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Point Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA and points in VA.

(5) From points in Fremont, Hot Springs and Natrona Counties, WV to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline and White Counties, AR, points in KY; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, Saint Landry, Vernon, Caldwell East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties, VA, and the Independent Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro, VA.

(6) From points in Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie and Weston Counties, WY to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline and White Counties, AR; Allen, Barren, Breckinridge, Bullitt, Butler, Chistian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson La Rue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble, Warren, Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, Woodford, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Mc Creary, Owsley, Perry, Pike, Whitley, Ballard, Caldwell, Callaway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, Mc Cracken, Mc Lean, Trigg, Union and Webster Counties, KY; points in LA; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Partick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, in Nottoway, Powhatan, Prince Edward and Prince George Counties, VA, and the Independent Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, Chesapeake, Emporia, Franklin, Hampton, Newport News Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro, VA. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 112304 (Sub-No. E220), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in PA to points in IA. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E221), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in PA to points in NE. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E222), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in PA to points in SD. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E223), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in PA to points in CO. Condition: The above E-letter notice approval shall be limited

in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E224), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail,* from points in PA to points in AZ. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E225), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail,* from points in PA to points in WY. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E226), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail,* from points in PA to points in MT. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E227), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail,* from points in PA to points in UT. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. JE228), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail,* from points in PA to points in ID. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E229), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail,* from points in PA to points in NV. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E230), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail,* from points in PA to points in WA. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E231), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail,* from points in PA to points in OR. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E232), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail,* from points in PA to points in CA. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65 unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E233), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215.*Guard rail,* from points in PA to points in TX. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65 unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E234), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail,* from points in PA to points in IL. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E235), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail,* from points in PA to points in ND. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E236), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East

Broad Street, Columbus, OH 43215. *Guard rail*, from points in PA to points in MN. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateways of Flint, MI and points in OH.

No. MC 112304 (Sub-No. E237), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in PA to points in WI. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateways of Flint, MI and points in OH.

No. MC 112304 (Sub-No. E238), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from Cincinnati, OH to points in ME. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E239), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from Cincinnati, OH to points in NH. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E240), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from Cincinnati, OH, to points in VT. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E241), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from Cincinnati, OH to points in MA. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E242), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from Cincinnati, OH to points in RI. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E243), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from Cincinnati, OH to points in CT. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E244), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from Middletown, OH to points in ME. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E245), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from Middletown, OH to points in NH. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E246), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from Middletown, OH to points in VT. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E247), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from Middletown, OH to points in MA. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E248), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from Middletown, OH, to points in RI. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E249), filed October 11, 1977. Applicant: ACE

DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from Middletown, OH to points in CT. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E250), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in WV to points in KS. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E251), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in WV to points in IA. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E252), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in WV to points in NE. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E253), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in WV to points in SD. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E254), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in WV to points in CO. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E255), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in WV to points in WY. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E256), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in WV to points in MT. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E257), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in WV to points in UT. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E258), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in WV to points in ID. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E259), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in WV to points in NV. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E260), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in WV to points in WA. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E261), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in WV to points in OR. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission

for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E262), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in WV to points in CA. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E263), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in WV to points in AZ. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E264), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in WV to points in NM. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E265), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in WV to points in NC. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E266), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in WV to points in MN. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH.

No. MC 112304 (Sub-No. E267), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in MD to points in TX. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateways of Lima, OH, Clarksburg, WV, and points within 50 miles of Clarksburg, WV.

No. MC 112304 (Sub-No. E268), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in MD to points in OK. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, Clarksburg, WV, and points within 50 miles of Clarksburg, WV.

No. MC 112304 (Sub-No. E269), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in MD to points in KS. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateway of Lima, OH, Clarksburg, WV, and points within 50 miles of Clarksburg, WV.

No. MC 112304 (Sub-No. E270), filed October 11, 1977. Applicant: ACE DORAN HAULING & RIGGING, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. *Guard rail*, from points in MD to points in NM. Condition: The above E-letter notice approval shall be limited in point of time to a period expiring 3 years from the date of issuance of Certificate No. MC 112304 (Sub-No. 65) unless extended by the Commission for good cause shown. The purpose of this filing is to eliminate the gateways of Lima, OH, Clarksburg, WV, and points within 50 miles of Clarksburg, WV.

No. MC 114552 (Sub-No. E114), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from those points in NC on and east of a line beginning at the Atlantic Ocean, then extending along NC Hwy 24 to junction U.S. Hwy 421, then along U.S. Hwy 421 to junction U.S. Hwy 220, then along U.S. Hwy 220 to the NC-VA State line, to points in FL on and south of FL Hwy 70. The purpose of this filing is to eliminate the gateway of points in Wayne County, NC.

No. MC 114552 (Sub-No. E124), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from those points in NC, on and south of a line beginning at the Atlantic Ocean, then extending along NC Hwy 24 to junction U.S. Hwy 258, then along U.S. Hwy 258 to junction NC Hwy 222, then along NC Hwy 222 to junction U.S. Hwy 301, then along U.S. Hwy 301 to the NC-SC State line, to points in MD. The purpose of this filing is to eliminate the gateway of points in Wayne County, NC.

No. MC 114552 (Sub-No. E125), filed August 25, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210.

Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from those points in NC, on and south and west of a line beginning at the Atlantic Ocean, then extending along NC Hwy 24 to junction U.S. Hwy 258, then along U.S. Hwy 258 to junction NC Hwy 222, then along NC Hwy 222 to junction U.S. Hwy 301, then along U.S. Hwy 301 to junction U.S. Hwy 70, then along U.S. Hwy 70 to junction U.S. Hwy 64, then along U.S. Hwy 64 to junction U.S. Hwy 25, then along U.S. Hwy 25 to NC-TN State line to those points in MD, on and east of a line beginning at the MD-PA State line, then extending along Interstate Hwy 83 to junction Interstate Hwy 695, then west along Interstate Hwy 695 to junction U.S. Hwy 29, then along U.S. Hwy 29 to junction Interstate Hwy 495, then east along Interstate Hwy 495 to the MD-VA State line. The purpose of this filing is to eliminate the gateway of points in Wayne County, NC.

No. MC 114552 (Sub-No. E156) (correction), filed September 4, 1975, and published in the FEDERAL REGISTER issue of March 9, 1978, and republished, as corrected, this issue. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. *Such lumber as is useful in the manufacture and distribution of roofing and roofing materials,* except commodities in bulk, *plywood and veneer,* from points in MD, to those points in GA, on and south of a line beginning at the SC-GA State line, then extending along GA Hwy 72, to junction GA Hwy 8, then along GA Hwy 8 to the GA-AL State line, and points in LA. The purpose of this filing is to eliminate the gateways to Rocky Mount, NC, and points in Wayne County, NC.

No. MC 118831 (Sub-No. E122), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, High Point, NC 27263. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Suite 805, Washington, DC 20001. *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, (1) From Raleigh, NC to points in MO (except the St. Louis commercial zone) points in IL (except the East St. Louis commercial zone), points in WI, MI, IN, and (2) From Raleigh, NC to those points in TN on and west of a line beginning at the TN-NC State line, and extending along U.S. Hwy 19E to junction U.S. Hwy 11E/and 19, then along U.S. Hwy 11E/19 to the TN-VA State line, (3) From Raleigh, NC to those points in KY on and west of a line beginning at the KY-VA State line, and extending along U.S. Hwy 23, then along U.S. Hwy 23 to junction KY Hwy 317, then along KY Hwy 317 to junction KY Hwy 7, then along Ky Hwy 7 to junction KY Hwy 80, then along KY Hwy 80 to junction U.S. Hwy 23-460, then along U.S. Hwy 23-460 to junction U.S. Hwy 23, then along U.S. Hwy 23 to the KY-WV State line, (4) From Raleigh, NC to those points in OH on and north and west of a line beginning at the OH-KY State line, and extending along OH Hwy 41 to junction OH Hwy 763, then along OH Hwy 763 to junction OH Hwy 125, then along OH Hwy 125 to junction U.S. Hwy 62, then along U.S. Hwy 62 to junction U.S. Hwy 40, then along U.S. Hwy 40 to junction OH Hwy 60, then along OH Hwy 60 to junction OH Hwy 16, then along OH Hwy 16 to junction OH Hwy 83, then along OH Hwy 83 to junction OH Hwy 585 to Akron, OH, then along OH Hwy 585 to junction OH Hwy 91, then along OH Hwy 91 to junction U.S. Hwy 20, then along U.S. Hwy 20 north to Lake Erie. The purpose of this filing is to eliminate the gateways of points in SC and Charlotte, NC.

By the Commission.

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

[FR Doc. 78-9480 Filed 4-7-78; 8:45 am]

[7035-01]

[Ex Parte No. MC-64; General Temporary Order No. 12]

MOTOR CARRIERS

Temporary Authority To Transport Dry Fertilizer

There is an acute shortage of freight cars used for the transportation of dry fertilizer and certain railroads are unable to transport fertilizer to many of the Nation's farm areas. An emergency exists in sections of the United States requiring immediate action on the part of the Commission to make provision for adequate transportation of dry fertilizer in the interest of the public.

There exists an immediate and urgent need for additional motor carrier service to supplement temporarily the transportation facilities of the Nation for the movement of dry fertilizer.

To meet this need the Commission will provide a more flexible method for the processing of applications for temporary authority to render the required motor service.

It is ordered:

Pursuant to section 210a(a) of the Interstate Commerce Act (49 U.S.C. 310a(a)), all persons who shall apply to any regional operations director, assistant regional operations director, district supervisor, or their designees, of the Commission's Bureau of Operations are granted temporary authority to transport dry fertilizer by motor vehicle for a period of not more than 60 days to the extent and scope that any of the above designated officials certify that there is an immediate and urgent need for service.

Special procedures to expedite the filing and processing of these applications will be used.

This grant of temporary authority is conditioned upon compliance with all applicable requirements concerning tariff publications, evidence of security for the protection of the public, and designation of agents for service of process, and further conditioned upon such tariff publications quoting rates, fares, and charges no lower than those of existing rail, water, or motor carriers in the territory in which the operations are to be authorized.

Service performed under temporary authority granted pursuant to this order shall in no way constitute evidence or a showing warranting future issuance of a certificate of public convenience and necessity or permit, as provided in section 207(a) of the Act (49 U.S.C. 307(a)) and section 209(b) of the Act (49 U.S.C. 309(b)).

Temporary authority granted pursuant to this order shall expire as of the first midnight after the issuance of an order by this Commission revoking General Temporary Order No. 12 except as to dry fertilizer shipments, the transportation of which began prior to that time.

This order shall become effective April 5, 1978.

Notice of this order shall be given to motor carriers, other parties of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

Dated: April 4, 1978.

H. GORDON HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-9482 Filed 4-7-78; 8:45 am]

[7035-01]

[Notice No. 21]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a

statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before May 10, 1978. 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 paricularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77572 filed March 26, 1978. Transferee: BELMONT TRUCKING CO., INC., 81 White Street, Belmont, MA 02178. Transferor: Arrow Carrier Corp. (Temporary operator of Wright Trucking, Inc.), 2600 Penhorn Avenue and State Hwy 3, North Bergen, NJ 07047. Transferor's representative: Robert G. Parks, Esq., 20 Walnut Street, Wellesley Hills, MA 02181. Transferee's representative: A. David Millner, Esq., P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificates No. MC 29938, MC 29938 (Sub-No. 4), MC 29938 (Sub-No. 5), and MC 29938 (Sub-No. 6), issued April 8, 1943, August 14, 1957, April 3, 1958, and March 13, 1964, respectively as follows: *Yarn, cloth, wool, rayon, mohair, empty containers, textile machinery and parts, electrical appliances and supplies, radiators, and burlap,* over specified regular routes between Westford, MA, and Philadelphia, PA; Between Lowell, MA, and Providence, RI over specified regular routes with service authorized to and from all intermediate points and named off-route points; *General commodities,* with certain exceptions, over specified regular routes from Philadelphia, PA, to Lowell, MA with service authorized to all intermediate points between Lowell, MA and Bridgeport, CT and to those off-route points in MA within 25 miles of Lowell restricted to delivery only; and from off-route points within 10 miles of Philadelphia, restricted to pick-up only; *Yarn,* over irregular routes; from Westford, MA, to Amsterdam and Clark Mills, NY; *Grain and feed* from Philadelphia, PA, to Providence, RI, Holliston, Walpole, Scuthbridge and Framingham, MA, and points in CT; From Lowell and Woburn, MA, to points in CT; *Mopsticks,* from Irvington, NJ, to Providence, RI, and points in CT and MA; *Wool softener, oil in containers, and trunks,* from Nutley, Bayonne, Jersey City, and Newark, NJ, to Lowell, MA, and points in MA within 25 miles of Lowell; *Paper,* from Groton and Lawrence, MA, to Mystic and Kensington, CT, and Philadelphia, PA; *Spraying materials,* from Camden, NJ, to Middlefield, Storrs and Quinebaugh, CT and points in Middlesex County, MA; *Apples,* from Barre and Westford, MA, and points and places in MA within 15 miles of Westford, to Bridgeport, CT, and New York, NY; *Liquid petroleum products,* in truckload lots, from Petrolia, PA, to Lowell, Lynn, Malden, and Chelsea, MA; *Machinery* between Westford, MA, and points and places in MA within 35 miles of Westford, on the one hand, and, on the other, points and places in CT, NJ, RI, MA, NH, those in NY on and east of New York Hwy 14, and those in PA east of the Susquehanna River. *Used textile machinery* between points in CT, MA, NH, and RI, and between point in CT, MA, RI, and a specified area in NH, on the one hand, and, on the other, specified areas in NJ, NY, and PA; *General commodities,* with certain exceptions, over specified regular routes, from Lowell, MA, to Philadelphia, PA, serving the intermediate and off-route points of Trenton, NJ, and South Chelmsford and Forge Village, MA; *General commodities,* with certain exceptions over specified regular routes, between Lowell, MA, and Newark, NJ, serving certain intermediate and off-route points; Between Lowell, MA, and Taunton, MA, serving certain intermediate and off-route points in MA and RI; Between West Brookfield, MA, and Palmer, MA serving all intermediate points; Between Boston, MA, and Auourn, MA, serving all intermediate points, and off-route points in MA within 25 miles of Lowell and Boston, MA; Between Boston, MA, and Worcester, MA, serving all intermediate points, and off-route points in MA within 25 miles of Lowell and Boston, MA; Between Littleton, MA, and Worcester, MA, serving all intermediate points, and off-route points in MA within 25 miles of Lowell and Boston, MA; Between Clinton, MA, and Worcester, MA, serving all intermediate points, and off-route points in MA within 25 miles of Lowell and Boston, MA; Between Indian Orchard, MA, and Longmeadow, MA, serving all intermediate points; *Leather and leather products, rubber and rubber products, alcoholic beverages, radios, radio parts, woolen and cotton piece goods, and webbing* over specified regular routes between New York, NY, and Wilmington, DE, serving the intermediate point of Philadelphia, PA; *Cotton and Wollen piece goods,* over irregular routes, from Lawrence, MA, to Bridgeport, and South Norwal, CT; *General commodities,* with certain exceptions, between New York, NY, and points in Bergen, Essex, Hudson, and Passaic Counties, NJ, on the one hand, and, on the other, points in a specified area of MA, and *textile mill products,* between points in NH within 1 mile of junction U.S. Hwy 3 and the MA-NH State line, on the one hand, and, on the other, New York, NY, and points in Bergen, Essex, Hudson, and Passaic Counties, NJ. Transferees presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77582, filed March 20, 1978. Transferree: B & J MOVING & STORAGE CO., 1545 Independence Street, Cape Girardeau, MO 63701. Transferor: Day Transfer Co., 1545 Independence Street, Cape Girardeau, MO 63701. Applicant's representative: James C. Swearengen, Hawkins, Brydon & Swearengen P.C., P.O. Box 456, Jefferson City, MO 65101. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 72958, issued May 13, 1966, as follows: *Coal* in truckloads from points in Franklin, Perry and Williamson County, IL, to Cape Girardeau, MO *Rough lumber* in truckloads from Ellington, MO, to Cairo, IL. *Livestock and farm products* from points in IL within 10 miles of Cape Girardeau, MO, to Cape Girardeau, MO. *Household goods* between described points in MO, IL, and KY. Between points in those parts of MO, IL, and KY as described above, on the one hand, and, on the other, points in AL, AR, IL, IN, IA, KS, KY, MI, MS, MO, NY, OH, OK, TN, TX, WV, WI, and the DC. Application has been filed for temporary authority under Section 210a(b). Transferee holds its authority from this Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-9481 Filed 4-7-78; 8:45 am]

[1505-01]

[Notice No. 39TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-8257 appearing at page 13156 in the FEDERAL REGISTER issue of Wednesday, March 29, 1978, at page 13158, in the second column, application "No. MC 155496" should be "No. MC 115496" and at page 13159, in the first column, application "No. MC 12157" should be "No. MC 123157".

[Notice No. 50]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-8678, appearing at page 13956 in the FEDERAL REGISTER issue of Monday, April 3, 1978, at page 13958, in the second column, the second application "No. MC 124692" should be "No. MC 129455" and the third application "No. MC 124629" should be "No. MC 135283".

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 91-409), 5 U.S.C. 552b(e)(3).

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[6320-01]

1

[M-120; 4/4/78]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., April 11, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Oral argument in Docket 29323, International Air Service Co. acquisition of Aloha Airlines, Inc.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

[S-747-78 Filed 4-6-78; 3:22 pm]

[6320-01]

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[M-118, amdt 2 4/4/78]

NOTICE OF ADDITION AND DELETION OF ITEMS FROM THE APRIL 6, 1978 AGENDA.

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., April 6, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: (deletion) 4. Docket 29139, overbooking and oversales (Request for instruction) (OGC, BPDA). (deletion) 17. Revised passenger fare structure and overall 15-percent fare increase for Air Micronesia (BPDA). (addition) 18a. Proposals of Aloha and Hawaiian for a general fare increase (Memo no. 7371-D, BPDA). (deletion) 20. Dockets 31232, 31234, 31235, 31246, 31247, 31285, 31305, 31534, 31538, 31555, 32192, 32206, 32207, 32210, 32211, 32212, Complaints against North Atlantic summer fare filings (BPDA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Item 4 on the April 6, 1978 calendar, Overbooking and Oversales, Docket 29139, must be deleted because of a request by BPDA for more time to complete that bureau's memorandum on that item. Items 17 and 20, Revised passenger fare structure and overall 15-percent fare increase for Air Micronesia (BPDA) and Compliants against North Atlantic summer fare filings (BPDA), are also being deleted from the April 6, 1978 calendar because staff work will not be completed on these items in sufficient time for Board consideration prior to the calendar meeting. Item 18a, Proposals of Aloha and Hawaiian for a general fare increase will be added to the April 6, 1978 calendar. In suspending the tariffs in question by Order 78-3-71, the Board noted a major change in Aloha's flight equipment mix and indicated that an adjustment to reflect that change might be necessary. Since the proposed increases had an effective date of April 1, 1978, the Board should conclude its consideration as promptly as feasible. Accordingly, the following Members have voted that agency business requires the addition of item 18a and the deletion of items 4, 17, and 20, and that no earlier announcement of this was possible:

Chairman Alfred E. Kahn
Vice Chairman G. Joseph Minetti
Member Lee R. West
Member Richard J. O'Melia
Member Elizabeth E. Bailey

[S-746-48 Filed 4-6-78; 3:22 pm]

[6320-01]

3

[M-118, amdt 1, 4/4/78]

NOTICE OF DELETION OF ITEM FROM THE APRIL 6, 1978 AGENDA.

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., April 6, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 19. TWA space available contract rates (BPDA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The staff has requested that Item 19 be deleted from the April 6, 1978 agenda. Staff work will not be completed on this item in sufficient time for Board consideration prior to the calendar meeting. The rates are in effect and no complaints were filed. Accordingly, the following Members have voted that agency business requires the deletion of this item from the April 6, 1978 agenda and that no earlier announcement of this deletion was possible:

Chairman Alfred E. Kahn
Vice Chairman G. Joseph Minetti
Member Lee R. West
Member Richard J. O'Melia
Member Elizabeth E. Bailey

[S-745-78 Filed 4-6-78; 3:22 pm]

[6351-01]

4

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m. April 12, 1978.

PLACE: 2033 K Street, NW., Washington, D.C., 5th floor hearing room.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public.

Proposed May Calendar Part 8 Disciplinary Rules.

Portions closed to the public:

Enforcement Matters-applications for registration; offer of settlement; formal order of investigation.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-742-78 Filed 4-6-78; 11:01 am]

[6715-01]

5

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Thursday, April 13, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

I. Future meetings.
II. Correction and approval of minutes.
III. Advisory opinions: AO 1976-79, AO 1978-7, AOR status report.
IV. FEDERAL REGISTER notice on vacating past policy statements, interim guidelines, and other miscellaneous policy pronouncements.
V. Procedures for internally generated matters.
VI. FOIA Regulations.
VII. Appropriations and budget, budget execution report.
VIII. Pending legislation.
IX. Pending litigation: Report on status of litigation.
X. Liaison with other Federal agencies.
XI. Classification actions.
XII. Routine administrative matters.

PORTIONS CLOSED TO THE PUBLIC (EXECUTIVE SESSION)

Audits. Compliance matters. Personnel. Litigation and FOIA Appeal.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, press officer, Telephone: 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-743-78 Filed 4-6-78; 2:54 pm]

[7020-02]

6

[USITC SE-78-17]

UNITED STATES INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, April 20, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary).
5. Leather wearing apparel from Uruguay (Inv. 303-TA-2)—briefing and vote.
6. Certain soft-sided luggage (Inv. 337-TA-39)—procedures for consideration of the ALJ's recommended determination.
7. Motion 34-55 to extend the period of time for in camera treatment in Investigation 337-TA-34 (Machining Centers).
8. Stainless steel flatware (Inv. TA-201-30)—vote on remedy.
9. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-741-78 Filed 4-6-78; 9:29 am]

[7910-01]

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RENEGOTIATION BOARD.

DATE: Tuesday, April 25, 1978.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matters 1 through 8 are open to the public. Matters 9 through 10 are closed to the public. Matters 11 and 12 are not applicable for status.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of meeting held April 4, 1978, and other Board meetings, if any;
2. Request for exemption as not having a direct and immediate connection with the National Defense: Kline Iron and Steel Co., section 106(a)(6) of the Act and RBR 1452.5(f);
3. Recommended clearances without assignment (List No. 1900):
A. Air Industries Corp., fiscal year ended June 30, 1976.
B. Allied Engineering & Production Corp., fiscal year ended September 30, 1976.
C. Ionics, Inc., fiscal year ended December 31, 1975.
D. Mine Safety Appliance Co., fiscal year ended December 31, 1975.
D-1. Catalyst Research Corp., fiscal year ended December 31, 1975.
E. Simulation Engineering Corp., fiscal years ended August 31, 1974 and 1975.
F. Veda, Inc., fiscal year ended September 30, 1976.
4. Revision to security clearance procedures;
5. Organization and operations of the electronic data processing staff;
6. Recommended clearance: Planning Research Corp. (Consol.), fiscal year ended June 30, 1974;
7. Recommended clearances without assignment (List 1901):
A-1 Collins Radio Co., fiscal year ended September 30, 1976.
A-2 Amforge, Inc., fiscal year ended September 30, 1976.
A-3 Collins International Serv., fiscal year ended September 30, 1976.
B-1 Electric Indicator Co., Inc., fiscal years ended December 31, 1973 and 1974.
B-2 EDO Western Corp., fiscal years ended December 31, 1973 and 1974.
B-3 EDO Commercial Corp., fiscal years ended December 31, 1973 and 1974.
B-4 Fiber Science Inc., fiscal years ended December 31, 1973 and 1974.
C. Carborundum Environmental, fiscal year ended December 31, 1975.
D. 51 Subsidiaries of American Telephone and Telegraph Co., fiscal years ended December 31, 1973, 1974 and 1975.
E-1 Merck & Company, Inc., fiscal year ended December 31, 1974.
E-2 Calgon Corp., fiscal year ended December 31, 1974.
F-1 Facilities Management Corp., fiscal year ended December 31, 1972.
F-2 Spartan Aviation, fiscal year ended December 31, 1973.
F-3 Facilities Management Corp., fiscal year ended December 31, 1974.
G. Milan Box Corp., fiscal year ended December 31, 1975.
H. Chloride Connrex, fiscal year ended December 26, 1974.
8. Proposed opinion, Vinnell Corp., fiscal year ended December 31, 1972;
9. Recommended determination of excessive profits, MBAssociates, fiscal year ended April 1, 1973;
10. Classified;
11. Approval of agenda for meeting to be held May 9, 1978; and
12. Approval of agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: April 5, 1978.

GOODWIN CHASE,
Chairman.

[S-744-78 Filed 4-6-78; 3:06 pm]

federal register

MONDAY, APRIL 10, 1978
PART II

COMMODITY FUTURES TRADING COMMISSION

■

MINIMUM FINANCIAL REQUIREMENTS

Proposed Adoption and Monitoring

[6351-01]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 1]

MINIMUM FINANCIAL REQUIREMENTS

Proposed Adoption and Monitoring

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking.

SUMMARY: The proposed rules would amend the minimum financial and related reporting requirements imposed upon futures commission merchants (FCM's) and would change the computational formula used to determine whether a futures commission merchant meets the minimum financial requirements; establish an early warning system designed principally to give notice of a futures commission merchant's financial deterioration; and require all self-regulatory organizations under the jurisdiction of the Commodity Futures Trading Commission to adopt minimum financial and reporting requirements with respect to their member futures commission merchants. The rules would permit the responsibility for monitoring and auditing any FCM which is a member of more than one self-regulatory organization to be delegated to a single self-regulatory organization. The proposed regulations are intended to accomplish the Commission's goal of industry self-regulation while ensuring adequate customer protection and the integrity of the futures market system, increasing regulatory efficiency, facilitating the reduction of the undue burden of multiple financial monitoring, auditing, and reporting imposed upon FCM's which are members of more than one self-regulatory organization, and facilitating the development of a registered futures association under Section 17 of the Commodity Exchange Act, as amended.

DATES: Comments on the proposed rule should be submitted by June 1, 1978.

ADDRESS: Send comments to Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT:

John L. Manley, Chief Accountant, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, 202-254-5218.

SUPPLEMENTAL INFORMATION: The Commission proposed in four parts substantial revisions to its financial regulatory structure now applicable to FCM's and self-regulatory organizations. On October 6, 1976, the Commission proposed extensive revisions in the financial reporting requirements imposed upon FCM's under Commission regulations. 41 FR 45706 (October 15, 1976). On May 17, 1977, the Commission proposed substantial amendments to the minimum financial standards to which FCM's are subject under its regulation 1.17. 42 FR 27166 (May 26, 1977). On June 14, 1977, the Commission proposed an improved early warning system based upon the proposed amendments to its regulation 1.17. 42 FR 31740 (June 22, 1977). On July 27, 1977, the Commission proposed a regulation which would require each self-regulatory organization to adopt minimum financial and related reporting requirements with respect to its member FCM's and would permit the responsibility for monitoring and auditing the financial status of any FCM which is a member of more than one self-regulatory organization to be delegated to a single self-regulatory organization. 42 FR 39036 (August 1, 1977). In October, 1977, the Commission held public hearings on these proposals.[1]

In view of the extent and complexity of these proposed rules and in order to afford maximum opportunity for public comment with respect thereto the Commission is hereby republishing them, as amended, and inviting public comment for an additional sixty days.

The Need For Change

The Commission's responsibility to protect the integrity of the marketplace and the funds of customers who use that marketplace necessarily encompasses a duty to monitor developments in the commodities futures industry to determine whether the Commission's current regulatory approach is adequate in light of recent and anticipated changes in the industry. The Commission believes that the rapid and substantial increase in the number of registrants, the volume of commodity business that such registrants are doing, and the increased volatility of the futures markets in recent years have combined to produce a situation in which the Commission must shift its regulatory approach from direct regulation, relying primarily on direct auditing, to oversight regulation. In order to establish a structure under which oversight regulation may function effectively, the Commission determined that substantial revisions were necessary in its current regulations. The Commission further believes that to maximize the effectiveness of independent public accountants in this regulatory structure it is necessary to establish uniform computational criteria to determine the FCM's compliance with the Commission's minimum financial regulations.

In reaching the conclusion that this shift in regulatory approach is necessary, the Commission carefully considered a number of recommendations, including the recommendations of the Commission's staff. The Report of the Comptroller General of the United States to Congress on Improvements Needed in Regulation of Commodity Futures Trading (the "GAO Report")[2] recommened that the exchanges be delegated the primary responsibility for audits of FCM's and that the Commission "require FCM's to engage independent public accountants to make the required audits and to furnish reports on the results of these audits to the appropriate exchanges and to the Commission."[3] Similarly, the Commission's Advisory Committee on Commodity Futures Trading Professionals[4] recommended that the Commission "require that the year end financial statements submitted by FCM's be certified by independent public accountants."[5] In addition, the Commission's Advisory Committee on Definition and Regulation of Market Instruments[6] recommended that any financial reports required of persons dealing in commodity option transactions and leverage transactions in gold or silver be certified annually by an independent public accountant.[7]

The Commission believes that substantial revisions in the minimum financial regulations are necessary for reasons in addition to the need to change to an oversight role in the financial regulation of FCM's. At present the Commission, the Chicago Board of Trade (CBOT) and the Chicago Mercantile Exchange (CME) all have different requirements with respect to financial regulations and related reporting requirements of FCM's, and many FCM's are subject to more than one set of such requirements. In addition, over 50 FCM's, rep-

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[1] In the matter of: Proposed Minimum Financial and Related Reporting Requirements, October 5, and 6, 1977.

[2] Report of the Comptroller General of the United States to Congress on Improvements Needed in Regulation of Commodity Futures Trading (June 24, 1975).

[3] Id., at 46.

[4] 40 FR 50558 (October 30, 1975).

[5] Report of Commodity Futures Trading Commission Advisory Committee on Commodity Futures Trading Professionals (August 5, 1976).

[6] 40 FR 50557 (October 30, 1975).

[7] Report of the Advisory Committee on the Definition and Regulation of Market Instruments to the Commodity Futures Trading Commission: Recommended Policies on Commodity Option Transactions (July 6, 1976); Report of Advisory Committee on Definition and Regulation of Market Instruments to the Commodity Futures Trading Commission: Recommended Policies on Futures, Forward and Leverage Contracts and Transactions (July 16, 1976).

resenting approximately fifty percent of all commodity customer business in the futures industry, are also registered with the Securities and Exchange Commission (SEC) as securities broker-dealers and are, therefore, subject to the minimum financial rules of that agency. As a result, many of these FCM's/broker-dealers are subject to as many as three different sets of financial regulations and corresponding audits to enforce these regulations. The Commission believes that these duplicative financial and related reporting requirements impose unnecessary burdens upon FCM's; therefore, it has proposed and is today republishing for comment, revised minimum financial regulations that would establish uniform computational criteria for use in the commodities futures industry.

Another reason for revising the financial regulations is that the Commission's minimum capital rule, which is a part of these regulations, has substantial deficiencies which must be corrected. A major deficiency in the current minimum capital rule is that the computational criteria permits FCM's to finance their operations almost exclusively with non-subordinated, long-term debt; thus, an FCM may actually be insolvent and still satisfy the Commission's present rule. Other deficiencies in the current capital rule include the safety factors on open futures contracts, the definition of proprietary account, and the length of time unsecured deficits are allowed to be outstanding and still be included as current assets. The safety factors for high-dollar value, low volatility, open futures contracts provided in current regulation 1.17, are disproportionately high in terms of the risks involved in trading in such contracts when compared to the safety factors on more volatile, low-dollar value contracts. The definition of the term "proprietary" as it is used in the current minimum financial regulations results in unrealistic additional charges to capital of FCM's in relationship to the actual risk involved to these FCM's. Unsecured deficits may be outstanding up to thirty days and still be included as part of the firm's assets in calculating its capital position.

Finally, the Commission's present rules were not intended to, and do not, provide financial regulations with respect to domestic exchange-traded commodity options. It should be noted, however, that all references in the proposed financial regulations to Part 32 of the Commission's regulations (17 CFR Part 32) concerning commodity options relate to the proposed regulations contained in the October 17, 1977 FEDERAL REGISTER release (42 FR 55538) and those regulations have not been adopted. Therefore, it may be appropriate, in the event the Commission adopts the proposed financial regulations prior to taking action with respect to the proposed options regulations, to delay final action with respect to those financial regulations relating to such options until such time as the proposed options regulations are adopted.

MAJOR DIFFERENCES BETWEEN THE PRESENT PROPOSAL AND PRIOR PROPOSALS

Safety factors. The safety factor computations currently provided in regulations 1.17(d) and (e) with respect to open commodity futures contracts are based upon the dollar values of such contracts. Therefore, as previously mentioned, the safety factors for high dollar-value, low volatility, open futures contracts are disproportionately high in terms of the risk involved in the trading of such contracts when compared to the safety factors on highly volatile, low dollar-value contracts. In order to relate the safety factors on a particular contract to the risk involved in trading in that contract, the Commission requested comment upon a proposal to adopt a new safety factor computation based upon the volatility rather than the dollar-value of each contract.[8] Specifically, the safety factor would have been based on a percentage of the standard fluctuation of the price of that contract.

While the commentators in general agreed that amendment of the Commission's regulations respecting the safety factor computation was a desirable step, there was strong opposition to the concept of a computation based upon the standard fluctuation concept because of its complexity and because it would be based upon historical data which could only indicate what safety factors might have been appropriate in the past. Many of these commentators believe the contract markets are in the best position to assess current market risks, and favor a safety factor computation based upon contract market margin requirements. The Commission believes that these arguments have merit and further believes that such margin requirements provide flexible indicia of the volatility of the futures contracts, as well as all other market conditions concerning such contracts. Therefore, the Commission is revising its earlier proposal and is proposing to compute the safety factors for customer positions based upon the amount by which any account is undermargined after a specific number of days are allowed for collection. The safety factor for proprietary positions will be a multiple of the margin requirement.

Self-regulatory organization membership. Several commentators criticized the proposals for not recognizing the advantages from the standpoint of regulation, surveillance and customer protection that accrue from an FCM's membership in a self-regulatory organization. Commentators cited such benefits as: (i) the frequency of audits of their member FCM's that self-regulatory organizations conduct or that they will be required to conduct in enforcing the proposed minimum financial regulations; (ii) the daily monitoring of clearing members' positions; (iii) audits of FCM's to determine compliance with margin requirements; and (iv) the speed and flexibility of a self-regulatory organization compared to a federal regulatory agency. The Commission also appreciates that members of self-regulatory organizations, in addition to the cost of their memberships, incur certain expenses in the form of membership fees or dues which, at least in part, are used to pay the costs of auditing, monitoring and other regulatory and surveillance programs of such organizations. Finally, the Commission recognizes that, historically, the losses of customers trading in futures contracts regulated under the Act, as a direct result of member firm failures have been minimal and this has been in past due to the willingness of other member firms to absorb such losses when the failing firm is a member of the same contract market. The Commission believes that these considerations in the context of a properly functioning self-regulatory organization provide a reasonable basis for distinguishing among categories of participants in the futures markets. Accordingly, the revised proposal would (i) establish higher minimum financial requirements and safety factors for non-contract market members than for members and (ii) recognize guarantee deposits and clearing corporation stock as assets in computing net capital.

In adopting any Commission rule or regulation, the Commission is required, pursuant to Section 15 of the Act,[9] to take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives, policies and purposes of the Act. Accordingly, the Commission specifically requests comments as to the possible competitive impacts of making or not making the distinction described above among categories of participants in the futures markets.

Customer-proprietary definitions. The proposed amendments to the financial regulations would not have amended the current definitions of "proprietary account" as defined in § 1.3(y) or "customer" as defined in § 1.3(k). Many commentators felt that

[8] Proposed regulation 1.17(c)(5)(xi), 42 FR 27175 (May 26, 1977).

[9] 7 U.S.C. 19 (Supp. V, 1975).

the Commission's definition of "proprietary account" is overly broad for application to the minimum financial regulations and that within this context it should be narrowed to include only the firm, subsidiaries, affiliates and certain partner accounts. The Commission has carefully considered these comments and has determined to retain its current definition of "customer", while at the same time narrowing the definition of "proprietary" as it is used in the minimum financial regulations to include only the firm and general partner's accounts.[10] All those accounts which are neither "customer" nor "proprietary" including the accounts of parents, affiliates, stockholders, officers, limited partners, and employees currently included in the definition of "proprietary" (section 1.3(y)) would be considered "non-customer", and with one exception non-customers would be treated the same as customers in the minimum financial regulations. The one exception would be that less time would be allowed for these non-customers to meet margin calls before a firm must take a capital charage for an undermargined position.

Minimum requirements. The Commission's current regulations require adjusted working capital of $10,000.[11] The prior proposal would have required adjusted net capital of $25,000. Many commentators suggested that the minimum level should be much higher than that of the proposal (some as high as $250,000), and a few of the commentators suggested that the minimum should be lower than the proposed level of $25,000. The Commission has carefully considered each of these comments and has concluded that even though comprehensive computational criteria are provided in the minimum financial regulations, there are many unforeseen risks which cannot be measured properly in a capital rule. Therefore, the Commission proposes to increase the minimum adjusted net capital level required of an FCM to $50,000 for a member of a designated self-regulatory organization and $150,000 for an FCM which is not a member of a designated self-regulatory organization.

A discussion of certain of the comments received by the Commission in response to its four proposals and a section-by-section explanation of certain of the Commission's revisions to its proposal regulations is set forth below.

Financial Reporting Requirements

Two commentators stated that there is no reason to believe that an audit which accompanies an application for registration as an FCM can be completed within any shorter period than the time required to complete an annual examination; therefore, the commentators suggested that the time within which the certified financial statements that must accompany an application for registration should be consistent with the time allowed for the preparation of annual certified statements required to be filed by registrants, i.e., within sixty days of filing.[12] Another commentator recommended that when filing an FCM application, businesses which are already established be required to provide certified financial statements that are not more than 12 months old and more up-to-date unaudited financial statements. The Commission has taken these comments into consideration and amended proposed regulation 1.10(a)(2) to require an applicant for FCM registration to file with the application either (i) financial statements certified by an independent public accountant as of a date not more than 45 days prior to the date on which such report is filed; or (ii) unaudited financial statements as of a date not more than 45 days prior to the date on which such report is filed and financial statements certified by an independent public accountant as of the date not more than one year prior to the date on which such report is filed.

The Commission's October 15, 1976, proposal would have required that Form 1-FR be filed on a quarterly basis. Currently such reports are required to be filed semi-annually by the Commission. A number of commentators expressed the view there was no general need for quarterly rather than semi-annual reports, citing the increased costs to FCM's of more frequent reporting. The Commission believes that it must have timely information to monitor effectively the financial responsibility of FCM's, whose business is affected by rapid fluctuations in the futures markets. Moreover, the information which would be required in the new Form 1-FR is essentially that which would ordinarily be prepared in the normal course of business to facilitate management of the firm. The Commission understands that much of this information is being prepared monthly by most firms, although perhaps in a less formal manner than that required on the Form 1-FR. The Commission notes in this regard that over 50 FCM's are registered as broker-dealers with the Securities and Exchange Commission and are accordingly required to file quarterly reports with that agency. In addition, the Chicago Mercantile Exchange requires quarterly financial reports from most of its members, and the CME members together with the broker-dealers, comprise approximately 40% of the FCM community which are already filing quarterly financial statements. Thus, while the Commission recognizes that quarterly reporting requirement may increase costs for some FCM's the Commission does not believe it should significantly increase the costs to the industry as a whole. Also, the more frequent reporting will facilitate the Commission's shift from direct regulation through FCM audits to indirect regulation through a review of reports submitted by the FCM's and their independent public accountants. The possible increase in costs for some FCM's, appears to be justifed in light of the advantages from a regulatory standpoint of more frequent reporting.

However, the Commission is concerned with the possible impact of quarterly reporting on small FCM's and those FCM's whose brokerage business is incidental to their other business operations. The Commission specifically requests comments on the quarterly reporting concept, including supporting data on increased costs to FCM's and any rationale for distinguishing among FCM's on this matter.

Eleven commentators argued that the thirty day time period allowed for filing quarterly reports was too short, with eight of these commentators specifically suggesting changing the quarterly filing time to forty-five days. Seventeen commentators expressed the view that the proposed sixty day time limit in which to file certified annual reports was too short. In light of these comments and the fact that more frequent financial reporting will be required, the Commission is proposing to revise regulation 1.10(b) by extending the time period for quarterly and annual certified reports to forty-five days and ninetydays, repectively.

One commentator suggested that if a registrant is a member of more than one self-regulatory organization and the proposed designation system is implemented an FCM's financial statements should be furnished only to the self-regulatory organization which is designated to monitor the financial condition of the FCM. The commentator further contends that distribution of these statements to all self-regulatory organizations of which the FCM was a member would give rise to unnecessary expense to be borne by the FCM. The Commission agrees with this comment and has changed the proposed regulations to require that the financial statements be submitted only to the designated self-regulatory organization, if any, and the Commission.

Under the current requirements, each Form 1-FR must contain a State-

[10] The changes in the definition of proprietary apply only as the term is used in regulation 1.17. The segregation and recordkeeping regulations of the Commission will remain unchanged as a result of this proposal.

[11] 17 CFR 1.17.

[12] The Commission initially provided a 45-day period. Proposed Rule 1.10, 41 FR 45711 (October 15, 1976).

ment of Financial Condition, a Statement of Capital Computation of the Minimum Capital Requirements Pursuant to Regulation 1.17, and a Schedule of Segregation Requirements and Funds on Deposit in Segregation. To these, the Commission proposed to add in the October 15, 1976 proposal, Statements of (i) Income (Loss), (ii) Changes in Financial Position (comparative Statements of Income (Loss), and Changes in Financial Positions for the corresponding period of the prior year), (iii) Changes in Ownership Equity, and (iv) Changes in Liabilities Subordinated to the Claims of General Creditors. Many commentators questioned the need for comparative financial statements and argued that the preparation and filing of such statements would entail needless costs to the FCM's. The Commission believes these comments have merit and has, therefore, eliminated the proposed requirement respecting comparative financial statements. Other commentators asked the Commission to reconsider requiring most or all of the additional statements, expecially in the quarterly reports, citing the additional expense and burdens to FCM's. The Commission has carefully considered these comments but believes, nonetheless, that the income statement provides information that is essential to enable the self-regulatory organizations and the Commission to evaluate the financial status of an FCM. Therefore, the Commission is retaining, subject to further comment, its proposal to require quarterly submission of an income statement to the Commission and Self-regulatory organizations. The Commission believes the Statements of Changes in Finanical Condition, Changes in Ownership Equity, and Changes in Liabilities Subordinated to the Claims of General Creditors also provide important information but, based upon further consideration and in light of the comments received, has amended its previous proposal that these statements be required on a quarterly basis and is instead proposing to require that these statements be presented only in the annual certified statements submitted to the Commission and the self-regulatory organizations.

One commentator suggested that the oath or affirmation that is required of a corporation in accordance with section 1.10(d)(4) be only required to be signed by the chief executive officer or the chief financial officer, instead of both as was proposed. The Commission has determined that one signature is adequate.

Section 1.10(f) as previously proposed, stated "An application for extension of time will be deemed denied unless the Commission, within ten days after receipt of the application, notifies the applicant or registrant of the grant of an extension." Eighteen commentators indicated that the Commission should notify the applicant or registrant in writing whether the extension request has been granted or denied. One commentator stated "since the FCM is taking good faith steps to comply with the rules, it is incumbent upon the Commission to respond, whether affirmatively or negatively sometime prior to the required filing date". The Commission has changed propose regulation 1.10(f) in response to these comments by requiring that the application for extension of time be received by the Commission fifteen days before the filing deadline for the report. The Commission will respond to an application within 10 days after it is received. Proposed regulation 1.16(f) deals with extensions of time for filing audited reports, and it contains language similar to proposed regulation 1.10(f). Since the comments respecting proposed regulation 1.10(f) would be equally applicable to § 1.16(f), it also has been amended to incorporate the changes made in § 1.10(f).

Several commentators argued that the Commission should give confidential treatment to Form 1-FR. The Commission believes, however, that proposed regulation 1.10(g) is consistent with § 145.5(d)(1)(i) of the Commission regulations and the implementation of the Freedom of Information Act. Therefore, the Commission has not proposed that this paragraph be changed.

The previous proposals would have required that the annual certified Statement of Financial Condition, the Computation of Minimum Capital Requirements Pursuant to Section 1.17 and the opinion of the independent public accountant with appropriate footnote disclosures be sent to all of the registrant's customers with open contracts and credit balances. The Commission received approximately 20 comment letters which strongly opposed the sending of any financial information to customers. These commentators emphasized the right of FCM's to privacy. In view of the comments, the Commission now proposes to eliminate these requirements from its proposed financial regulations.

Maintenance of Minimum Financial Requirements By FCM's

Several commentators felt that proposed regulation 1.12 would require continuous determination of adjusted net capital. These commentators believe that the early warning system should be triggered only when an FCM knows or should know that the trigger level is reached. The Commission never intended to require continuous determination of adjusted net capital; accordingly, the proposed regulation has been amended to make this clear.

One commentator questioned the requirement of paragraph (e) of proposed regulation 1.12, that "Reports to the Commission by a contract market of an FCM's failure to file a notice pursuant to § 1.12 should result solely from a contract market's normal surveillance." This commentator stated, "No additional burdens should be placed on the contract market by virtue of this new regulation." The Commission did not intend that this regulation impose additional burdens, and contract markets will be required to report only when they know or should have known of a violation of the early warning system.

Qualifications and Reports of Accountants

Proposed regulation 1.16(b)(1) establishes the qualifications which accountants must meet to practice before the Commission. The Commission will recognize only certified public accountants who are duly registered and in good standing under the laws of their place of residence or principal office; and licensed public accounts who were duly licensed on or before December 31, 1970, and in good standing under the laws of their place of residence or principal office. The Commission received two comments on this paragraph. Both pointed out that the proposed regulations are in conformity with the position of the Comptroller General of the United States,[13] and one commentator commended the Commission on its forthright stand on the issue. The other commentator, however, objected to the Commission's adopting the Comptroller General's restriction as to which non-certified public accountants may be considered qualified for the purposes of practicing before the Commission. In view of the Comptroller General's stance, the Commission does not propose to amend its qualification standards.

Proposed regulation 1.16(b)(3) concerns the independence standards which accountants must meet to practice before the Commission. One group of commentators in a combined letter stated their belief that it would be inappropriate for the exchanges to be required to oversee the independence of accountants, and stated that the rule requiring independence of accountants in the securities industry is enforced directly by the Securities and Exchange Commission. The Commission wishes to make it clear, in response to this comment, that its regulations will govern the independence of accountants in connection with the audits of FCM's and does not intend to delegate this responsibility to the self-regulatory organizations.

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[13] Report of the Comptroller General of the United States to Congress on Improvements Needed in Regulation of Commodity Futures Trading (June 24, 1975).

Several commentators recommended that independent auditors should be required to issue supplemental reports describing material weaknesses in internal controls found to have existed since the date of their previous examination instead of including such a report as part of the independent accountant's report on the financial statements. Based on these comments, the Commission is proposing a new section 1.16(c)(5) which would require an independent accountant to issue a separate report on material inadequacies. The Commission is eliminating the requirement that the independent accountant state in his report on the financial statements whether a review was made of the procedures followed for safeguarding customer and firm assets in accordance with the provisions of the Act and the regulations. Several commentators felt that the language in proposed regulation 1.16(d) concerning material inadequacies was too broad and requested that it be narrowed. The Commission has responded to these comments by adding language to § 1.16(d)(2)(iv) limiting violations of the Commission's segregation, recordkeeping, or financial reporting regulations requred to be reported to those that could reasonably be expected to result in the conditions prescribed in paragraphs (d)(2)(i), (ii) and (iii) of proposed regulation 1.16.

Regulation 1.16(e) as originally proposed, would have required that an auditor who determines, in the course of an audit, that any material inadequacies exist in the internal controls of the FCM, must call such inadequacies to the attention of the FCM who must then inform the Commission and the designated self-regulatory organization of the inadequacies within twenty-four hours. Several commentators feared that twenty-four hours would not be long enough for compliance with this requirement, and suggested that three business days would be more realistic. Proposed regulation 1.16(e) has been amended to allow three business days for notification.

MINIMUM FINANCIAL REQUIREMENTS

General. Several commentators suggested that broker-dealers who are already regulated by the SEC and who are also registered as FCM's should be exempt from the Commission's proposed minimum financial requirements. The Commission does not believe that it can grant such an exemption consistent with its responsibilities under the Commodity Exchange Act (the "Act"). By exempting ths category of FCM's from its financial requirements the Commission believes that effective regulatory surveillance for financial responsibility would be precluded. In addition, should the Commission after granting such an exemption suspect that a firm is violating the SEC's requirements, it would be placed in the position of having to rely completely on that Agency to take the necesary action to insure that the firm was brought into compliance with its obligations under the Act, inasmuch as the Commission lacks the authority to enforce SEC regulations. The Commission believes that this situation could foster incongruous results which would be intolerable in light of its own obligations under the Act. As was indicated in the FEDERAL REGISTER notice which accompanied the proposed amendments to section 1.17 [14] the Commission's staff and representatives of the SEC have initiated cooperative efforts in connection with their respective financial regulations. In part as a result of such efforts, the Commission is, for example, proposing several amendments to its regulations, including the incorporation by reference of the SEC's safety factors or "haircuts" on securities. In addition, the Commission recommends that the SEC amend its regulations to incorporate by reference the Commission's safety factors on futures. If this step is taken, it will provide the requisite uniformity to permit those FCM's which are also registered with the SEC as securities broker-dealers to comply with the Commission's financial reporting requirments by simply filing copies of the SEC's FOCUS Report [15] with the self-regulatory organizations and the Commission.

Two commentators stated they favored the utilization of a working capital concept rather than a net capital concept for the minimum financial regulations. In determining compliance with the minimum financial regulations a working capital concept would not take long term debt into consideration. The Commission believes, as it has stated previously, [16] that the working capital concept which allows an FCM to finance its business solely through the use of non-subordinated, long-term debt is a major shortcoming of the current financial regulations. The Commission believes that a futures commission merchant must have a permanent capital base for its operations. Any minimum financial regulation which permits an FCM to finance its operations as described above and thus actually be "insolvent" and still comply with those requirements is seriously deficient.

The Commission is aware of the concerns expressed within the industry that the subtraction of long-term debt from current assets in computing adjusted net capital would needlessly exclude a certain class of firms from registration as FCM's, to the detriment of the commodities futures industry. Such firms would be those whose primary business is other than the brokerage business and whose FCM business is merely incidental to their primary business activities. These firms typically make extensive use of long-term debt to finance their primary business activities, and many of their assets acquired through the use of long-term debt would not fall within the definition of "current assets" under proposed regulation 1.17. Therefore, such assets could not offset long-term debt in evaluating the financial status of such firms and this would make it impossible for them to comply with the Commission's proposed minimum financial requirements. The Commission does not believe these concerns are valid because proposed regulation 1.17 would permit an FCM to reduce its long-term liabilities in evaluating its financial status to the extent of the net book value of the plant, property and equipment which is used in the ordinary course of any trade or business for a reportable segment of the firm's business, other than in the commodity futures, commodity option, securities and securities option segments.

Two contract markets commented that it is important for a firm which is experiencing financial difficulties to be able to get any infusion of additional funds without restricting these additional funds to subordinating debt or equity capital. The Commission believes these comments have merit and is therefore adding language to proposed regulation 1.17 which would allow self-regulatory organizations and the Commission at their discretion, to temporarily suspend the subordination requirements of paragraph (h) of proposed regulation 1.17, and permit the substitution of long term debt for subordinated debt for up to 30 days. The temporary suspension of the requirements of proposed regulation 1.17(h) under proposed regulation 1.17(h)(4) may be granted with respect to a particular FCM only once during any twelve month period. [17]

Regulation 1.17(a)(4) as proposed required a registrant to comply with § 1.17 at all times and to be able to demonstrate such compliance to the satisfaction of the Commission and/or

[14] 42 FR 27168 (May 26, 1977).

[15] Financial and Operational Combined Uniform Single Report Under the Securities Exchange Act of 1934.

[16] 42 FR 27167 (May 26, 1977).

[17] Paragraph (h) of proposed regulation 1.17 defines, in detail, satisfactory subordination agreements. The definition is the same as that employed by the SEC except for those FCM's electing to comply with the minimum capital requirements of proposed regulation 1.17(g), (for such FCM's certain specific provisions have been added which relate directly to the requirements to which they are subject) and the proposed amendment described above.

any self-regulatory organization of which the registrant is a member. A registrant which did not meet these requirements would immediately have to cease doing business (except trading for liquidating purposes only) as a futures commission merchant until such time as the registrant could demonstrate such compliance. Many commentators questioned the use of the phrase "at all times"; stating that this language would be impossible to comply with and requested clarification.

In part as a result of these comments, proposed paragraph 1.17(a)(4) has been revised and divided into two paragraphs, 1.17(a)(3) and 1.17(a)(4). Proposed regulation 1.17(a)(3) provides that no person applying for registration as a futures commission merchant shall be so registered unless such person affirmatively demonstrates to the satisfaction of the Commission that it complies with the financial requirements of this section 1.17. The paragraph further requires that each registrant be in compliance with proposed regulation 1.17 at all times and to be able to demonstrate such compliance to the satisfaction of the Commission and/or the designated self-regulatory organization at all times.

Proposed regulation 1.17(a)(4) requires a registrant which cannot demonstrate compliance with the requirements of section 1.17 immediately to transfer all customer accounts and cease doing business (except transactions for liquidation purposes). However, if such registrant immediately demonstrates to the satisfaction of the Commission or the designated self-regulatory organization the ability to get into compliance, the Commission or the designated self-regulatory organization may allow the registrant up to 10 days in which to do so without having to transfer accounts and cease doing business. This paragraph is intended to provide a specific procedure in the event a registrant fails to comply with the requirement of proposed paragraph (a)(4), and is not intended to limit or preclude action by the Commission or the designated self-regulatory organization for violations of any of the provisions of section 1.17. Thus, for example, the Commission or the designated self-regulatory organization might deem it appropriate to take action against a registrant which has not been in compliance with the requirements of section 1.17 regardless of the fact that such registrant gets into compliance within 10 business days.

One commentator stated that the reference in the proposed regulations to Securities Exchange Act Rule 15c3-1 [18] (the SEC's "net capital rule") is inappropriate, because it would require an FCM, as a result of its securities transactions which do not necessitate registration with the SEC and which may, in fact, be inconsequential transactions vis-a-vis the FCM's total business, to be fully aware of every provision of the SEC's net capital rule. The Commission believes that its reference to the SEC's rule is necessary, because with respect to those matters which are peculiar to the securities industry the Commission should rely on the expertise of the SEC. Therefore, if the SEC's rule is relied upon without being incorporated by reference, each amendment of that rule would necessitate a corresponding amendment of the Commission's regulations and this would be an unnecessary duplication of effort. Moreover, FCM's which are not also registrants of the Securities and Exchange Commission will only have to be familiar with only those provisions of the SEC's net capital rule (*e.g.*, "haircut" regulation for securities) which apply to such FCM's.

Current assets. Regulation 1.17(c)(2)(i) as proposed would have excluded from current assets any unsecured commodity futures or option accounts containing a ledger balance and open trades, the combination of which liquidate to a deficit or containing a debit ledger balance. However, the proposed regulation would have permitted such deficits or debit ledger balances which are the subject of calls for margin or other required deposits which are outstanding five business days or less to be included in current assets. Several commentators felt that the financial regulations should allow customers more time to respond to margin calls. Other commentators suggested that no unsecured deficits or customer ledger balances should be included in current assets. These commentators argued that the existence of unsecured deficits or debit ledger balances of customers constituted unwarranted risks to the firm. The Commission agrees with this latter argument and is, therefore, proposing to allow deficits or debit ledger balances only to the extent that they are subject of current calls for margins or other required deposits which are outstanding one business day or less.

Commentators had two major concerns with the Commission's proposed treatment of unsecured trade accounts receivable: (i) the proposed regulation was no narrow that it would eliminate all receivables which are not related to the sale or trading of commodities or commodities futures; and (ii) the time allowed for collection of such receivables was too short. In part in response to these comments, the Commission has amended proposed regulation 1.17(c)(2)(ii)(A) to characterize as current assets receivables resulting from the marketing of all inventories commonly associated with the business activities of the FCM and has extended the time (to seventy-five days from the date they arise) allowed for such receivables to be outstanding and still be included in current assets.

The proposed regulation concerning insurance claims which are allowed as current assets in computing an FCM's capital, received criticism from commentators who are engaged in other business activities besides the brokerage business. These commentators felt that the regulation would not permit a commodity firm to take into account its insurance claims such as a claim based upon losses related to the destruction of a grain elevator. The Commission is therefore proposing regulation 1.17(c)(2)(ii)(E) to provide that insurance claims which arise from a reportable segment of the FCM's business activities, other than the brokerage business, and which are not more than seventy-five days old from the date they are recorded as a receivable may be included in current assets.

Proposed § 1.17 would have excluded unrealized commissions from current assets and a number of commentators suggested that such commissions receivable are legitimate current assets. The Commission agrees; therefore, it has deleted the specific exclusion of unrealized commissions from current assets and proposes to allow the firms to include unrealized commissions as current assets to the extent that the account in respect of which such commissions are earned its properly margined.

Several commentators expressed concern that inventory items such as seeds, fertilizers, fuels and other farm supply products would be excluded as current assets under the proposed regulations. To make it clear that this was not the Commission's intention, a paragraph has been added to the proposed regulation which specifically allows inventories held for resale which are commonly associated with the business activity of the FCM to be included in current assets.

The disallowance of Board of Trade Clearing Corporation stock as an asset was criticized, since this stock can be used as margin. Commentators suggested that the disallowance of the Clearing Corporation's stock and other guarantee deposits at clearing corporations would put clearing members at a severe disadvantage vis-a-vis all other participants in the futures markets. In light of these comments and the Commission's decision to recognize the benefits of contract market membership, language has been added to the proposed regulation which specifically allows as current assets guarantee deposits with, and stock of, clearing organizations to the extent of their margin value.

[18] 17 CFR 240.15c3-1.

Secured transactions. The previous proposal would not have amended the definitions of "secured" from the current regulations. One commentator pointed out that the Commission's definition of this term might have potentially devastating effect if applied to securities broker-dealers, because certain items which would not be considered secured under the definition could not be included in current assets. The commentator cited such items as securities which broker-dealers are failing to deliver; securities borrowed in order to effectuate delivery; and customers' bona fide cash positions containing open, unpaid purchases which have decreased in value. Paragraph (b)(1) of proposed regulation 1.17 states "where an asset or liability which is defined in Securities Exchange Act Rule 15c3-1 (17 CFR 240.15c3-1), the inclusion or exclusion of all or part of such assets or liabilities for the computation of adjusted net capital and aggregate indebtedness shall be in accordance with Securities and Exchange Commission rules, unless specifically stated otherwise in § 1.17". The intent of this provision is to treat transactions which relate solely to the securities industry the same under Commission regulations as such transactions would be treated under the SEC's rules. Since the examples described by the commentator relate to transactions which arise solely in the securities industry these items would not be excluded from current assets in computing net capital.

Another commentator questioned the applicability of the "secured" definition in view of the book entry system for U.S. Treasury bills. This comment led the Commission to amend its initial proposal (which required that the collateral which is used to secure the transaction be in the possession *and* control of the FCM) to require that the collateral be in the possession *or* control of the FCM. Control for the purposes of this section would include U.S. Treasury bills on a book entry system and other securities pledged to secure a loan which are in the possession of the party making such a loan.

Liabilities. The regulation as previously proposed would have excluded from liabilities in computing net capital, liabilities classified as long-term in accordance with generally accepted accounting principles to the extent of the net book value of plant, property, and equipment which is used in the processing, manufacture, storage or shipment of commodities, their products and by-products in a reportable segment of the applicant's or registrant's overall business activities, other than in the brokerage business. Several commentators suggested that the proposed language be broadened to allow long-term debt to be excluded from liabilities in computing net capital to the extent of the net book value of plant, property, and equipment which is used in any trade or business which is a reportable segment of the FCM's overall business activities other than the brokerage business. The Commission believes that this comment has merit and has amended its proposal accordingly.

Safety factors: Several commentators pointed out that the proposed five percent deduction on unsecured trade accounts receivable does not take into account any reserves established for uncollectable receivables. In view of this comment and the fact the Commission is proposing to allow such receivables to be included as current assets for no longer than seventy-five days from the date that they arise, the Commission has decided to eliminate the five percent charge on these receivables.

Proposed regulation 1.17(c)(5)(ii) has been renumbered as paragraph (c)(5)(i), and the proposed ten percent charge on advances has, in view of the position taken by many commentators that a 10% "haircut" on such advances is inordinately high, been reduced to 5%.

Many commentators criticized the Commission's proposed capital charges on inventories, fixed price contracts, and forward contracts as being inordinately large in relation to the risks assumed. Two commentators suggested that the charges on these positions be based on the net "at risk" cash position. These commentators suggested that the Commission require all cash positions to be marked to their market value and require the safety factor to be based upon the net "at risk" position. The Commission believes that these comments have merit and is accordingly proposing to base the capital charges on all inventory, fixed price commitments and forward contracts upon the net position of the FCM. In addition, the Commission has changed the percentage charges which are applicable to these positions to conform with this new approach.

One commentator suggested that regulation 1.17(c)(5)(v) would permit non-broker-dealer/FCM's to use reduced capital charges applicable to security positions. Security positions of broker-dealers who elect to calculate their adjusted net capital pursuant to SEC Rule 15c3-1(f) are subject to reduced charges under that rule. However, the provisions of that rule have the effect of increasing certain deposit requirements for those broker-dealers. The commentator suggested that non-broker-dealers/FCM's are not subject to the increased deposit requirements and accordingly should not be permitted to take advantage of the reduced capital charges provided in the SEC's regulations. The proposed regulations would permit only securities brokers and dealers to utilize the reduced charges.

As previously discussed in this FEDERAL REGISTER release, the Commission is amending its proposal with respect to safety factors on commodity futures accounts and grantor commodity option accounts. The proposed safety factors, as revised, would be for customer and non-customer positions, based upon the amount by which any account is under-margined (after a specific number of days which would be allowed for collection) and for proprietary positions based upon a multiple of the contract market margin requirements. The proposed regulations require a capital charge for under-margined customer commodity futures accounts and grantor commodity options accounts to the extent of the total amount of cash required in each such account to meet the maintenance margin requirements of the board of trade on which the contract that is the subject of the margin requirement is traded, after application of calls for margin, or other required deposits, which are outstanding five business days or less until December 31, 1979, four business days or less until December 31, 1980, and three business days or less thereafter. For under-margined, non-customer and omnibus commodity futures and grantor commodity option accounts, the safety factor would be the amount of cash required in each such account to meet the maintenance margin requirements of the applicable board of trade on which the contract that is the subject of the margin is traded after application of calls for margin or other required deposits which are outstanding two business days or less.

The safety factors on open futures contracts and grantor commodity options held in proprietary accounts carried by the FCM which are not covered (as defined in regulation 1.17(j)) by a position held by the FCM or which are not the result of a "changer trade," shall be: (i) for the positions cleared by a clearing member of an exchange, the margin requirement of the clearing organization; (ii) for an FCM which is a member of any contract market or domestic commodity option exchange 150% of the greater of the maintenance margin requirement of the applicable board of trade or clearing organization; and (iii) for those FCM's who are not members of any contract market or domestic commodity option exchange 200% of the applicable maintenance margin requirement of the applicable board of trade or clearing organization whichever is greater.

Except for the charges respecting under-margined accounts described above, the Commission has deleted from the proposed financial regula-

tions, the safety factors on customer open futures contracts and grantor commodity options.

The proposed regulations require an FCM who is the "taker" of a commodity option to charge the premium to expense and who is the "grantor" of a commodity option to recognize the premium as income in computing adjusted net capital. In addition, there would be a safety factor on commodity options carried long by the FCM which would be the same safety factor required if the FCM were a grantor of a commodity option, but the charge would not exceed the value attributed to such option by the FCM in computing its current assets.

Aggregated Indebtedness. Several commentators criticized the proposed definitions of "aggregate indebtedness" in the proposed regulations, because under its terms an FCM which obtains a loan secured by documents which are eligible for delivery to finance delivery of spot commodities would have been required to include that loan in its aggregate indebtedness if such loan were obtained on behalf of a customer. These commentators stated that when a customer's position is fully hedged, it is virtually certain that the receivable from the customer will be collected, and that the risks assumed by the FCM in these situations are so small that the regulation should not be drafted to require that the loans in respect of such positions be included in aggregate indebtedness. The Commision believes these comments have merit and is proposing regulation 1.17(c)(6)(ii) which excludes from aggregate indebtedness, indebtedness arising in connection with advances to non-proprietary accounts when such indebtedness is adequately collateralized by spot commodities eligible for delivery on a contract market and when such spot commodites are fully hedged.

One commentator stated that the exclusions from aggregate indebtedness should not be limited to the credit balances in the accounts of general partners but should include all equities in accounts of general partners. It was not the intention of the Commission to limit the exclusion to cash credit balances, and the Commission has, therefore changed the wording of the proposed regulations to make this clear.

Withdrawal of equity capital. Proposed regulation 1.17(e) prohibits certain withdrawals of equity capital, advances, or loans to certain associated persons if, after giving effect to such withdrawals, advances, or loans and to certain debt payments payable during the following six months, adjusted net capital of the FCM would fall below certain minimum requirements. This provision would apply regardless of whether the FCM is currently obligated to permit such withdrawals, advances, or loans. One commentator stated that an exemption from such commitments to take account of current contractural obligations should be incorporated into the regulation, because he believed that if the proposed regulation were adopted, it would affect the ability of FCM's to meet current contractual obligations. The commentator further stated that if the withdrawals, advances, or loans cause an FCM's adjusted net capital to fall below the minimum required levels, all the other provisions in the rule, including the early warning system under proposed regulation 1.12, will remain applicable. The Commission does not believe such situations as the commentator describes will result from the new regulation, but to assure that these and other situations are dealt with effectively, the Commission has added specific language to paragraph (e) of proposed regulation 1.17 which states the Commission may grant relief from this paragraph if the Commission deems such relief to be in the public interest or for the protection of nonproprietary accounts.

Alternative capital requirement. The Commission proposed an alternative to its minimum financial requirement. Specifically the alternative requires a futures commission merchant to maintain adjusted net capital equal to or in excess of the greater of $150,000 ($50.000 for a member of a designated self-regulatory organization) or 4 percent of the funds required to be segregated pursuant to the Act and the regulations thereunder plus, for FCM's which are also securites brokers or dealers, 4 percent of aggregate debit items computed in accordance with the formula for determination of reserve requirements contained in the SEC's Rule 15c3-3a (17 CFR 240.15c3-3a).[19]

Several FCM/broker-dealers objected to the proposed addition to their net capital requirements. The Commission believes the SEC's alternative capital requirement does not provide adequate protection for commodity customers of FCM/broker-dealers, especially those whose commodities business is large compared to their securities business. Therefore, the Commission has decided not to change the requirements set forth above. The Commission believes that this proposed alternative requirement would provide adequate protection for the commodity customers of an FCM because of its inter-relationship with the FCM's segregation requirements. Several other commentators agreed with the Commission's proposed approach.

[19] Rule 15c3-3a currently provides that a broker-dealer which has elected to operate pursuant to that agency's alternative minimum net capital requirement must maintain adjusted net capital equal to or in excess of $100,000 or 4 percent of aggregate debit items computed in accordance with the formula for determination of reserve requirements for brokers and dealers (Exhibit A to SEC Rule 15c3-3a, 17 CFR 240.15c3-3a).

Cover

The Commission amended § 1.3(z) of its regulations effective October 1, 1977. (42 FR 42748) The amendment generally broadened the scope of the definition of bona fide hedging transactions or positions to include current commercial risk-shifting practices in the markets regulated by the Commission. The intended effect of the amendment is to increase commercial utilization of the futures markets for the purposes of hedging by allowing additional exemptions from the Commission's limits on positions and daily trading, and by recognizing a broader range of risk-shifting uses of those markets.

On August 19, 1977, the Commission proposed an amendment to § 1.17 pertaining to minimum financial requirements.[20] This amendment would have changed § 1.17, which currently refers to the definition of bona fide hedging, so that it would include only those provisions of the revised bona fide hedging definition which are substantially the same as those in the previous definition.[21] The purpose and effect of the proposed amendment was to correct an unintentional change in the minimum financial requirements which was brought about by the adoption of the new definition of bona fide hedging.

The proposed amendment to § 1.17 was to become effective on October 1, 1977, simulaneously with the revision of the bona fide hedging definition. In proposing the amendment to § 1.17, the Commission stated that it was necessary that the effective dates of the two amendments coincide in order to avoid "ambiguity or uncertainty in the method by which futures commission merchants are to continue to comply with § 1.17 * * *." However, as a result of the comments which the Commission received and of it own review of the interrelationship between minimum financial requirements and the definition of bona fide hedging, the Commission determined not to adopt the proposed amendment to § 1.17, pending further consideration of the related issues.

The Commission now believes it necessary to develop a separate hedging definition which will be termed "cover", to govern the treatment of risk-shifting devices under the Commission's minimum financial requirements.

The Commission's minimum financial requirements are for the protec-

[20] 42 FR 42767 (August 24, 1977).

[21] *Id.*

tion of commodity futures and commodity option customer funds and the integrity of the marketplace, and it follows that a central consideration with respect to the appropriate treatment of a proprietary transaction or position is whether the transaction or position operates immediately and continuously to shift risks incidental to commercial operations. Therefore, the Commission believes that conceptually, the definition of cover should not substantially differ from that of bona fide hedging. However, in re-examining the interrelationship between the minimum financial requirements and the bona fide hedging definition, the Commission has identified several difficulties which necessarily would have resulted from a reference to the bona fide hedging definition in the minimum financial requirements, and which the Commission believes are resolved by the development of an alternative concept.

First, the bona fide hedging definition is primarily intended to exempt certain futures transactions from the Commission's speculative limits. As a result, the definition is limited in application to "transactions or positions in a contract for future delivery on [a] contract market," and it principally deals with the classification of those transactions or positions in markets where the Commission has speculative limits. Thus, risk-shifting devices not involving such limits may be excluded from the definition regardless of their characteristics relative to the minimum financial requirements.

Second, the definition of bona fide hedging is not designed to, and does not, take into account the risk of capital impairment which a particular transaction or position might entail. For example, transactions which are risk-shifting in character may be considered bona fide hedging even though they are entered into for the purposes of offsetting fluctuations in the value of assets which are not owned and identified at the time of entering the transactions. In such cases, adverse market movements may seriously jeapardize capital during the interval between the execution of the risk-shifting transactions and the acquisition of the asset they are to hedge. Inasmuch as the purpose of minimum financial requirements is the protection of commodity futures and commodity option customers, such risks cannot be ignored in determining the treatment that a particular transaction should receive for the purposes of the minimum financial requirements.

Finally, the bone fide hedging definition includes many provisions which relate to the maintenance of orderly markets and which should have no effect on the treatment of a transaction of position under the minimum financial requirements.

Accordingly, the Commission believes that the definition of "cover" should take into account transactions or positons whose purpose and effect are the immediate and continuous shifting of risks incidental to commercial operations and which do not entail a significant risk of capital impairment, regardless of whether the transactions involve the purchase or sale of a futures contract.

Therefore, the Commission is proposing a definition of "cover" which: (i) Includes all contracts for future delivery and commodity options; (ii) excludes anticipatory hedging; and (iii) eliminates the provisions of the bona fide hedging definition which relate solely to the maintenance of orderly markets. In addition, the Commission will consider whether transactions and positions other than those enumerated in paragraph (j)(2) of proposed regulation 1.17 are within its definition of cover, upon specific request. These transactions or positions must at a minimum meet the general definition contained in paragraph (j)(1) of proposed regulation 1.17.

Monthly Computations of Adjusted Net Capital

As previously proposed, regulation 1.18 required formal computations of adjusted net capital as of the close of business each month. Such computations would have been required to be completed within ten business days. Sixteen commentators questioned the need for monthly computations and the majority of these writers and another twelve commentators objected to the ten day time frame within which the computation would be required to be completed. Since the Commission believes it is imperative that an early warning system be established in the commodities futures industry and it further believes that the monthly computations provide the basis for the early warning system proposed in § 1.12, the Commission does not propose to amend the monthly requirement. The Commission, in response to the comments, proposes to extend to thirty days the time within which the computation would be required to be completed.

The Requirement of Self-Regulatory Oversight

Regulation 1.52 requires that all self-regulatory organizations adopt minimum financial requirements with uniform computational criteria and permits the delegation of responsibility for monitoring the financial status of FCM's to a single self-regulatory organization. Two commentators questioned the Commission's legal authority to compel self-regulatory organizations to adopt minimum financial and related reporting requirements for FCM's. However, the Commission believes its authority is clear, pursuant to sections 4c, 4f, 4g, 5a, 8a, and 17 of the Act[22] to require self-regulatory organizations to adopt specific minimum financial regulations and further believes that this requirement is in keeping with the self-regulatory concept which is plainly envisioned by the Act.

One contract market stated that additional time would be needed for the industry and the exchanges to hire and train the necessary personnel to insure compliance with the new financial regulations. This commentator stated that it would be extremely difficult, if not impossible, on short notice to hire and train the necessary personnel. Another commentator felt strongly the exchanges should not be required to adopt and enforce any financial requirements until the feasibility and legal status of the National Futures Association is determined or until a new joint compliance program can be implemented for the exchanges. The Commission believes sufficient notice has been given to the self-regulatory organizations to hire, and train adequate personnel to cope with these new regulations. In the October 15, 1976 Federal Register release announcing the proposed revisions of financial reporting requirements for FCM's the Commission stated that:

> [I]t is Commission policy to encourage contract market self-regulation. In this regard, the Commission anticipates requiring all contract markets to adopt and to enforce uniform minimum financial and related reporting requirements. Such requirements will be subject to the same active oversight regulation as the other rule enforcement programs of the contract markets. However, because of the common interest of the contract markets in the financial integrity of their member FCM's and because of the uniform applicability of the minimum financial and related reporting requirements envisioned by the Commission, it may be advantageous for contract markets to engage in a joint enforcement or audit program to monitor compliance with such uniform minimum financial and related reporting requirements. Such a joint program or an alternative program through a National Futures Association, as provided for in Title III of the Commodity Futures Trading Commission Act of 1974, 7 U.S.C. 21, could meet the anticipated Commission requirements. 41FR 45706.

This language was repeated in the Federal Register release which proposed regulation 1.52. 42 FR 39036. The Commission stated further in that Federal Register release that "it is the responsibility of the contract markets, as quasi-public institutions, to insure the financial integrity of their member FCM's thereby insuring the integrity of the marketplace itself, as well as protecting the funds of customers who use that marketplace. This belief is in keeping with the self-

[22] 7 U.S.C. 6c, 6f, 6g, 7a, 12a and 21.

regulatory responsibility of the commodity futures industry envisioned by the Commodity Exchange Act, as amended 7 U.S.C 1-22 (Supp. V. 1975)." The Commission therefore, believes that the industry has been given ample notice of its intention to adopt the proposed financial regulations and that the self-regulatory organizations' auditing programs should be fully implemented no later than December 25, 1978.

The previously proposed regulations permitted the self-regulatory organizations to develop their own plans for the delegation of oversight responsibilities for FCM's which are members of more than one self-regulatory organization to a single contract market or other self-regulatory organization. The Commission believes that this approach will reduce the costs to the self-regulatory organizations and avoid unnecessary burdens upon FCM's and that these factors provide significant incentive for the self-regulatory organizations to reach an agreement on plans for delegation of oversight responsibility. Some commentators believe that it is essential to eliminate the undue burden of multiple self-regulatory organizations monitoring of the same FCM and believe the only way to guarantee sush elimination is for the Commission to make the required delegation in the event that the self-regulatory organizations do not do so within a specified time period. In view of this comment and the comments of the previous paragraphs, the Commission is amending proposed regulation 1.52 by adding paragraph (k) which would give the Commission authority, after a reasonable amount of time has elapsed, to make such a delegation if the self-regulatory organizations do not.

In consideration of the foregoing, the Commission hereby proposes to amend 17 CFR Part 1 as follows:

1. By amending § 1.3 to include new paragraphs (ee) and (ff) to read as follows:

§ 1.3 Definitions.

* * * * *

(ee) "Self-regulatory organization." This term means a contract market (as defined in § 1.3(h)), a domestic commodity option exchange (as defined in § 32.1), or a registered futures association under section 17 of the Act.

(ff) "Designated self-regulatory organization." This term means a self-regulatory organization of which a futures commission merchant is a member or, if the futures commission merchant is a member of more than one self-regulatory organization and such futures commission merchant is the subject of an approved plan under § 1.52, then a self-regulatory organization delegated the responsibility by such a plan for monitoring and auditing such futures commission merchant for compliance with the minimum financial and related reporting requirements of the self-regulatory organizations of which the futures commission merchant is a member, and for receiving the financial reports necessitated by such minimum financial and related reporting requirements from such futures commission merchant.

2. By revising § 1.10 to read as follows:

§ 1.10 Application for registration and financial reports of Futures Commission Merchants.

(a) *Application for registration.* (1) Application for registration as a futures commission merchant shall be filed on Form 7-R in accordance with the instructions contained therein. The initial application for registration shall be accompanied by a Form 8-R executed and filed by each sole proprietor and by each natural person who is a general partner, officer, director, or branch office manager of the applicant, or performs similar functions, or is any other controlling person of the applicant; except that an accompanying Form 8-R need not be filed by any individual who is registered as a floor broker or an associated person or has applied for registration as a floor broker or an associated person and such application has not been withdrawn or denied. Any natural person (other than a floor broker or associated person) who subsequently becomes a general partner, officer, director or branch office manager of the registrant, or performs similar functions, or becomes any other controlling person of the registrant, shall promptly execute and file a Form 8-R. Each Form 8-R shall be filed in accordance with the instructions contained therein. Individuals who were previously required to submit biographical information on Form 94 or who have filed a Form 8-R as required by this section shall file a current Form 8-R, upon request by the Commission.

(2) Except as provided in paragraph (a)(3) of this section, each person who files an application for registration as a futures commission merchant, and who is not so registered at the time of such filing, must, concurrently with the filing of such application file either: (i) A Form 1-FR certified by an independent public accountant in accordance with § 1.16 as of a date not more than 45 days prior to the date on which such report is filed; or, (ii) a Form 1-FR as of a date not more than 45 days prior to the date on which such report is filed and a Form 1-FR certified by an independent public accountant in accordance with § 1.16 as of a date not more than one year prior to the date on which such report is filed. Each such person must include with such financial report a statement describing the source of his current assets and representing that his capital has been contributed for the purpose of operating his business and will continue to be used for such purpose.

(3) The provisions of paragraph (a)(2) of this section do not apply to any person succeeding to and continuing the business of another futures commission merchant. Each such person who files an application for registration as a futures commission merchant and who is not so registered at the time of such filing must file a Form 1-FR as of the first month-end following the date on which his registration is approved. Such report must be filed with the Commission and the designated self-regulatory organization, if any, not more than 45 days after the date for which the report is made.

(b) *Filing of financial reports.* (1) Except as provided in paragraph (b)(3) of this section, each person registered as a futures commission merchant must file a Form 1-FR for each fiscal quarter of each fiscal year unless the registrant elects pursuant to paragraph (e)(2) of this section to file a Form 1-FR for each calendar quarter of each calendar year. Each Form 1-FR must be filed no later than 45 days after the date for which the report is made: *Provided, however,* That any Form 1-FR which must be certified by an independent public accountant pursuant to paragraph (b)(2) of this section must be filed no later than 90 days after the close of each registrant's fiscal year. This paragraph (b)(1) will be applicable to all fiscal quarters beginning after (the effective date of this section) but in no event more than 90 days after (such effective date).

(2) The Form 1-FR filed pursuant to paragraph (b)(1) of this section as of the close of the registrant's fiscal year must be certified by an independent public accountant in accordance with § 1.16. A registrant who has elected to file its Forms 1-FR for each calendar quarter of each calendar year pursuant to paragraph (e)(2) of this section, must nonetheless file a Form 1-FR as of the close of such registrant's fiscal year.

(3) The provisions of paragraphs (b)(1) and (b)(2) of this section shall not apply to any person registered as a futures commission merchant who is a member of a designated self-regulatory organization and conforms to minimum financial standards and related reporting requirements set by such designated self-regulatory organization in its bylaws, rules, regulations or resolutions and approved after (the effective date of these regulations) by the Commission pursuant to section 4f(2) of the Act: *Provided, however,* That each such registrant shall

promptly file with the Commission a true and exact copy of each financial report whiich it files with such designated self-regulatory organization.

(4) Upon receiving written notice from any representative of the Commission or any self-regulatory organization of which it is a member, an applicant or registrant must, monthly or at such times as specified, furnish the Commission and the self-regulatory organization, if any, requesting such information with a Form 1-FR and/or such other financial information as requested by the representative of the Commission or the self-regulatory organization. Each such Form 1-FR or such other information must be furnished within the time period specified in the written notice.

(c) *Where to file reports.* The reports provided for in this § 1.10 will be considered filed when received by the regional office of the Commission where the applicant or registrant has its principal place of business and by the designated self-regulatory organization, if any; *Provided, however,* That information required of an applicant or registrant pursuant to paragraph (b)(4) of this section need be furnished only to the Commission and the self-regulatory organization requesting such information.

(d) *Contents of financial reports.* (1) Each Form 1-FR filed pursuant to this § 1.10 which is not required to be certified by an independent public accountant must be completed in accordance with the instructions to the form and contain: (i) a Statement of Financial Condition as of the date for which the report is made; (ii) a Statement of Income (Loss) for the period between the date of the most recent Statement of Financial Condition filed with the Commission (or the beginning of the fiscal quarter immediately following (the effective date of this rule) but in no event more than 90 days after (such effective date) and the date for which the report is made; (iii) a Statement of the Computation of the Minimum Capital Requirements Pursuant to § 1.17 and a Schedule of Segregation Requirements and Funds on Deposit in Segregation, as of the date for which the report is made; and (iv) in addition to the information expressly required, such further material information as may be necessary to make the required statements and schedules not misleading.

(2) Each Form 1-FR filed pursuant to this § 1.10 which is required to be certified by an independent public accountant must be completed in accordance with the instructions to the form and contain: (i) a State of Financial Condition as of the date for which the report is made; (ii) Statements of Income (Loss), Changes in Financial Position, Changes in Ownership Equity, and Changes in Liabilities Subordinated to Claims of General Creditors, for the period between the date of the most recent certified Statement of Financial Condition filed with the Commission (or the beginning of the fiscal quarter immediately following (the effective date of this rule) but in no event more than 90 days after (such effective date) and the date for which the report is made, *Provided,* That for an applicant filing pursuant to paragraph (a)(2) of this section the period must be the year ending as of the date of the Statement of Financial Condition; (iii) a Statement of the Computation of the Minimum Capital Requirements Pursuant to § 1.17 and a Schedule of Segregation Requirements and Funds on Deposit in Segregation, as of the date for which the report is made; (iv) appropriate footnote disclosures; and (v) in addition to the information expressly required, such further material information as may be necessary to make the required statements not misleading.

(3) The statements required by paragraphs (d)(2)(i) and (d)(2)(ii) of this section may be presented in accordance with generally accepted accounting principles in the certified reports filed as of the close of the registrant's fiscal year pursuant to paragraph (b)(2) of this section or accompanying the application for registration pursuant to paragraph (a)(2) of this section, rather than in the format specifically prescribed by these regulations: *Provided,* The Statement of Financial Condition is presented in a format as consistent as possible with the Form 1-FR and a reconciliation is provided reconciling such Statement of Financial Condition to the Statement of the Computation of the Minimum Capital Requirements Pursuant to § 1.17. Such reconciliation must be certified by an independent public accountant in accordance with § 1.16.

(4) Attached to each form 1-FR filed pursuant to this § 1.10 must be an oath or affirmation that to the best knowledge and belief of the individual making such oath or affirmation the information contained in the Form 1-FR is true and correct. If the applicant or registrant is a sole proprietorship, then the oath or affirmation must be made by the proprietor; if a partnership, by a general partner; or if a corporation, by the chief executive officer or chief financial officer.

(e) *Election of fiscal year.* (1) Any applicant or registrant wishing to establish a fiscal year other than the calendar year may do so by notifying the Commission and the designated self-regulatory organization, if any, of its election of such fiscal year in writing, concurrently with the filing of the Form 1-FR pursuant to paragraph (a)(2) of this section or within 90 days of (the effective date of this section), but in no event may such fiscal year end more than one year from the date of the Form 1-FR filed pursuant to paragraph (a)(2) of this section or more than one year from (the effective date of this regulation). An applicant or registrant which does not so notify the Commission and the designated self-regulatory organization, if any, will be deemed to have elected the calendar year as its fiscal year. A registrant must continue to use its elected fiscal year, calendar or otherwise, unless a change in such fiscal year is approved upon written application to the principal office of the Commission in Washington, D.C., and written notice of such change is given to the designated self-regulatory organization, if any.

(2) Any applicant or registrant may elect to file its Form 1-FR for each calendar quarter in lieu of each fiscal quarter by notifying the Commission and the designated self-regulatory organization, if any, of its election, in writing, concurrently with the filing of the Form 1-FR pursuant to paragraph (a)(2) of this section or within 90 days after (the effective date of this section). Any registrant wishing to change such election or to make such election other than concurrently with the filing of the Form 1-FR pursuant to paragraph (a)(2) of this section or within 90 days of (the effective date of this section) may do so only if such change or election is approved by the Commission upon written application to the principal office of the Commission in Washington, D.C., and written notice of such change is given to the designated self-regulatory organization, if any.

(f) *Extension of time form filing reports.* In the event any applicant or registrant finds that it cannot file its report for any period within the time specified in paragraphs (b)(1), or (b)(4) of this section or paragraph (b) of § 1.12 without substantial undue hardship, it may file with the principal office of the Commission in Washington, D.C., an application for an extension of time to a specified date which may not be more than 90 days after the date as of which the financial statements were to have been filed. The application must state the reasons for the requested extension and must contain an agreement to file the report on or before the specified date. The application must be received by the Commission fifteen days before the time specified in paragraphs (b)(1), or (b)(4) of this section or paragraph (b) of § 1.12 for filing the report. Notice of such application must be given to the designated self-regulatory organization, if any, concurrently with the filing of such application with the Commission. An application for extension of time will be responded to by the Commission, within ten days after receipt of the application. (See

§ 1.16(f) for extension of the time for filing certified financial statements.)

(g) *Confidentiality of reports.* All of the Forms 1-FR filed pursuant to this section will be public; provided, however, that if the Statement of Financial Condition, the Computation of the Minimum Capital Requirements Pursuant to § 1.17, and the Schedule of Segregation Requirements and Funds on Deposit in Segregation are bound separately from the other financial statements, footnotes disclosures and schedules of Form 1-FR, trade secrets and certain other commercial or financial information on such other statements and schedules will be deemed privileged or confidential. All information on such other statements and schedules will, however, be available for official use by any official or employee of the United States or any state, by any self-regulatory organization of which the person filing such report is a member, and by any other person to whom the Commission believes disclosure of such information is in the public interest. Nothing in this paragraph (g) will limit the authority of any self-regulatory organization to request or receive any information relative to its members' financial condition. The independent accountant's opinion filed pursuant to this § 1.10 will be deemed public information.

3. By adopting a new § 1.12 to read as follows:

§ 1.12 Maintenance of minimum financial requirements by futures commission merchants.

(a) Each person registered as a futures commission merchant, or who files an application for registration as a futures commission merchant, who knows or should have known that its adjusted net capital at any time is less than the minimum required by § 1.17 or by the capital rule of any self-regulatory organization to which such person is subject, if any, must:

(1) Give telegraphic notice as set forth in paragraph (f) of this section that such applicant's or registrant's adjusted net capital is less than is required by section 1.17 or by such other capital rule, identifying the applicable capital rule. This notice must be given within 24 hours after such applicant or registrant knows or should have known that its adjusted net capital is less than required by any of the aforesaid rules to which such applicant or registrant is subject; and

(2) Within 24 hours after giving such notice file a Statement of Financial Condition, a Statement of the Computation of the Minimum Capital Requirements Pursuant to § 1.17 (computed in accordance with the applicable capital rules), and a Schedule of Segregation Requirements and Funds on Deposit in Segregation, all as of the date such violation occurs.

(b) Each person registered as a futures commission merchant, or who files an application for registration as a futures commission merchant, who knows or should have known that its adjusted net capital at any time is less than (i) the greater of 120 percent of the appropriate minimum dollar amount required by § 1.17 or 8⅓ percent of aggregate indebtedness or (ii) if the applicant or registrant is operating pursuant to § 1.17(g), the greater of 120 percent of the appropriate minimum dollar amount required by § 1.17(g) or 6% of the funds required to be segregated pursuant to section 4d(2) of the Act and these regulations, plus, for securites brokers or dealers, 6 percent of aggregate debit items computed in accordance with the Formula for Determination of Reserve Requirements (§ 240.15c3-3a of this title); such applicant or registrant must file written notice to that effect as set forth in paragraph (f) of this section within five (5) business days of such event. Such applicant or registrant must also file a Form 1-FR or such other financial statement designated by the Commission and/or the designated self-regulatory organization, if any, as of the close of business for the month during which such event takes place and as of the close of business for each month thereafter until three (3) successive months have elapsed during which the applicant's or registrant's adjusted net capital is at all times equal to or in excess of the minimums set forth in this paragraph (b) which are applicable to such applicant or registrant. Each financial statement required by this paragraph (b) must be filed within 30 calendar days after the end of the month for which such report is being made.

(c) If an applicant or registrant at any time fails to make or keep current the books and records required by these regulations, such applicant or registrant must, on the same day such event occurs, give telegraphic notice of such fact, specifying the books and records which have not been made or which are not current, and within 5 business days after giving such notice file a written report stating what steps have been and are being taken to correct the situation.

(d) Whenever any applicant or registrant discovers or is notified by an independent public accountant, pursuant to § 1.16(e)(2) of these regulations, of the existence of any material inadequacy, as specified in § 1.16(d)(2) of these regulations, such applicant or registrant must give telegraphic notice of such material inadequacy within three business days, and within five business days after giving such notice file a written report stating what steps have been and are being taken to correct the material inadequacy.

(e) Whenever any self-regulatory organization learns that a member registrant has failed to file a notice or written report as required by this § 1.12, such self-regulatory organization must immediately report such failure as provided in paragraph (f) of this section.

(f) Every notice and written report required to be given or filed by this section must be filed with the regional office of the Commission for the region in which the applicant or registrant has its principal place of business, with the designated self-regulatory organization, if any, and with the Securites and Exchange Commission, if such applicant or registrant is a securites broker or dealer. In addition, every notice required to be given by this section must also be filed with the principal office of the Commission in Washington, D.C. Each Statement of Financial Condition, each Statement of the Computation of the Minimum Capital Requirements Pursuant to § 1.17, and each Schedule of Segregation Requirements and Funds on Deposit in Segregation required by this section must be filed in accordance with the provisions of § 1.10(d) of these regulations, unless otherwise indicated.

4. By adding a new § 1.16 as follows:

§ 1.16 Qualifications and reports of accountants.

(a) *Definitions.*—(1) *Accountant's report.* The term "accountant's report," when used in regard to financial statements, means a document in which an independent licensed or certified public accountant indicates the scope of the audit (or examination) which he has made and sets forth his opinion regarding the financial statements taken as a whole or an assertion to the fact that an overall opinion can not be expressed. When an overall opinion can not be expressed, the reasons therefore must be stated.

(2) *Audit or Examination.* The terms "audit" and "examination," when used in regard to financial statements, mean an examination of the statements by an accountant in accordance with generally accepted auditing standards for the purposes of expressing an opinion thereon.

(3) *Certified.* The term "certified," when used in regard to financial statements, means audited and reported upon with an opinion expressed by an independent certified public accountant or independent licensed public accountant.

(b) *Qualifications of accounts.* (1) The Commission will recognize any person as a certified public accountant who is duly registered and in good standing as such under the laws of the place of his residence or principal office. The Commission will recognize any person as a licensed public accountant who was duly licensed on or before December 31, 1970, and is in

good standing as such under the laws of the place of his residence or principal office.

(2) The Commission will not recognize any certified public accountant or licensed public accountant as independent who is not in fact independent. For example, an accountant will not be considered independent with respect to any applicant or registrant or any parent, subsidiary, or other affiliate of such applicant or registrant (i) in which, during the period of his professional engagement to examine the financial statements being reported on or at the date of his report, he or his firm or a member thereof had, or was committed to acquire, any direct financial interest or any material indirect financial interest, or (ii) with which, during the period of his professional engagement to examine the financial statements being reported on, at the date of his report or during the period covered by the financial statements, he or his firm or a member thereof was connected as a promoter, underwriter, voting trustee, director, officer, or employee, except that a firm will be deemed independent with respect to an applicant or registrant and its affiliates if a former employee or officer of such applicant or registrant or any such affiliate is employed by the firm and such individual has completely disassociated himself from the applicant or registrant and its affiliates and does not participate in auditing financial statements of the applicant or registrant or its affiliates covering any period of his employment by the applicant or registrant of its affiliates. An accountant will not be considered independent if he or his firm or a member thereof performs manual or automated bookkeeping services or assumes responsibility for maintenance of the accounting records, including accounting classification decisions, of such applicant or registrant or any of its affiliates. For the purposes of this section 1.16(b), the term "member" means all partners in the firm and all professional employees participating in the audit or located in the office of the firm participating in a significant portion of the audit.

(3) In determining whether an accountant may in fact not be independent with respect to a particular applicant or registrant, the Commission will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that applicant or registrant or any affiliate thereof, and will not confine itself to the relationship existing in connection with the filing of reports with the Commission.

(c) *Accountant's reports.*—(1) *Technical requirements.* The accountant's report (i) must be dated, (ii) must be signed manually, (iii) must indicate the city and state where issued and (iv) must identify without detailed enumeration the financial statements covered by the report.

(2) *Representations as to the audit.* The accountant's report (i) must state whether the audit was made in accordance with generally accepted auditing standards, and (ii) must designate any auditing procedures deemed necessary by the accountant under the circumstances of the particular case which have been omitted and the reasons for their omission. However, nothing in this paragraph (c)(2) shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purposes of expressing the opinion required by paragraph (c)(3) of this section.

(3) *Opinion to be expressed.* The accountant's report must state clearly: (i) the opinion of the accountant with respect to the financial statements covered by the report and the accounting principles and practices reflected therein and (ii) the opinion of the accountant as to the consistency of the application of the accounting principles, or as to any changes in such principles which have material effect on the financial statements.

(4) *Exceptions.* Any matters to which the accountant takes exception must be clearly identified, the exceptions thereto specifically and clearly stated, and to the extent practicable, the effect of each such exception on related financial statements given.

(5) *Accountant's report on material inadequacies.* A registrant must file concurrently with the annual audit report a supplemental report by the account describing any material inadequacies found to exist or found to have existed since the date of the previous audit. An applicant must file concurrently with the audit report a supplemental report by the accountant describing any material inadequacies found to exist as of the date of the Form 1-FR being filed. The supplemental report must indicate any corrective action taken or proposed by the applicant or registrant in regard thereto. If the audit did not disclose any material inadequacies, the supplemental report must so state.

(d) *Audit objectives.* (1) The audit must be made in accordance with generally accepted auditing standards and must include a review of the accounting system, the internal accounting control, and the procedures for safeguarding customer and firm assets in accordance with the provisions of the Act and the regulations thereunder, including appropriate tests thereof, since the prior examination date. The audit must include all procedures necessary under the circumstances to enable the independent licensed or certified public accountant to express an opinion on the financial statements and schedules. The scope of the audit and review of the accounting system, the internal controls, and procedures for safeguarding customer and firm assets must be sufficient to provide reasonable assurance that any material inadequacies existing at the date of the examination in (i) the accounting system, (ii) the internal accounting controls, and (iii) the procedures for safeguarding customer and firm assets (including the segregation requirements of section 4d(2) of the Act and these regulations) will be discovered. Additionally, as specified objectives the audit must include reviews of the practices and procedures followed by the registrant in making (i) periodic computations of the minimum financial requirements pursuant to section 1.17 and (ii) daily computations of the segregation requirements of section 4d(2) of the Act and these regulations.

(2) A material inadequacy in the accounting system, the internal accounting controls, the procedures for safeguarding customer and firm assets, and the practices and procedures referred to in paragraph (d)(1) of this section which is to be reported in accordance with paragraph (e)(2) of this section includes any conditions which contributed substantially to or, if appropriate corrective action is not taken, could reasonably be expected to:

(i) Inhibit an applicant or registrant from promptly completing transactions or promptly discharging his responsibilities to customers or other creditors;

(ii) Result in material financial loss;

(iii) Result in material misstatement of the applicant's or registrant's financial statements; or

(iv) Result in violations of the Commission's segregation, recordkeeping or financial reporting requirements to the extent that could reasonably be expected to result in the conditions described in paragraphs (d)(2) (i), (ii), or (iii) of this section.

(e) *Extent and timing of audit procedures.* (1) The extent and timing of audit procedures are matters for the independent public accountant to determine on the basis of his review and evaluation of existing internal controls and other audit procedures performed in accordance with generally accepted auditing standards and the audit objectives set forth in paragraph (d) of this section. In determining the extent of testing, consideration must be given to the materiality of an area and to the possible effect on the financial statements and schedules of a material misstatement in a related account.

(2) If during the course of an audit or interim work, the independent public accountant determines that any material inadequacies exist in the ac-

counting system, in the internal accounting control, in the procedures for safeguarding customer or firm assets, or as otherwise defined in paragraph (d) of this section, he must call it to the attention of the applicant or registrant, who has the responsibility to inform the Commission and the designated self-regulatory organization, if any, of such inadequacies in accordance with paragraph (d) of § 1.12. The applicant or registrant must also furnish the accountant with a copy of said notice to the Commission within three business days. If the accountant fails to receive such notice from the applicant or registrant within three business days, or if he disagrees with the statements contained in the notice of the applicant or registrant, the accountant must inform the Commission and the designated self-regulatory organization, if any, by reporting the material inadequacy within three business days thereafter. Such report from the accountant must, if the applicant or registrant failed to file a notice, describe the material inadequacies found to exist. If the applicant or registrant filed a notice, the accountant must file a report detailing the aspects, if any, of the applicant's or registrant's notice with which the accountant does not agree.

(f) *Extension of time for filing audited reports.* (1) In the event any applicant or registrant finds that it cannot file its certified financial statements for any year within the time specified in section 1.10 without substantial undue hardship, it may file with the principal office of the Commission in Washington, D.C., an application for extension of time to a specified date not more than 90 days after the date as of which the certified financial statements were to have been filed. Notice of such application must be sent to the designated self-regulatory organization, if any. The application must be made by the applicant or registrant and must: (i) state the reasons for the requested extension; (ii) indicate that the inability to make a timely filing is due to circumstances beyond the control of the applicant or registrant, if such is the case, and describe briefly the nature of such circumstances; (iii) be accompanied by the latest available formal computation of his adjusted net capital and minimum financial requirements computed in accordance with section 1.17; (iv) be accompanied by the latest available computation of required segregation and by a computation of the amount of money, securities, and property segregated on behalf of customers as of the date of the latest available computation; (v) contain an agreement to file the report on or before the date specified by the applicant or registrant in the application; (vi) be received by the principal office of the Commission in Washington, D.C., and by the designated self-regulatory organization, if any, fifteen days prior to the date on which the report is due; and (vii) be accompanied by a letter from the independent public accountant answering the following questions:

A. What specifically are the reasons for the extension request?

B. On the basis of that part of your audit to date, do you have any indication that may cause you to consider commenting on any material inadequacies in the accounting system, internal accounting controls or procedures for safeguarding customer or firm assets?

C. Do you have any indication from the part of your audit completed to date that would lead you to believe that the firm was or is not meeting the minimum capital requirements specified in section 1.17 or the segregation requirements of section 4d(2) of the Act and these regulations, or has any significant financial or recordkeeping problems?

(2) An application for extension of time will be responded to by the Commission within ten days of the receipt of the application.

(3) On the written request of any designated self-regulatory organization, or an applicant or registrant, or on its own motion, the Commission may grant an extension of time or an exemption from any of the certified financial reporting requirements of this chapter either unconditionally or on specified terms and conditions.

(g) *Replacement of accountant.* (1) In the event (i) the independent public accountant who was previously engaged as the principal accountant to audit an applicant's or registrant's financial statements resigns (or indicates he declines to stand for re-election after the completion of the current audit) or is dismissed as the applicant's or registrant's principal accountant, (ii) another independent accountant is engaged as principal accountant, or (iii) an independent accountant on whom the principal accountant expresses reliance in his report regarding a subsidiary resigns (or formally indicates he declines to stand for re-election after completion of the current audit) or is dismissed or another independent public accountant is engaged to audit that subsidiary, the applicant or registrant shall file written notice of such occurrence with the Commission at its principal office in Washington, D.C., and with the designated self-regulatory organization, if any, not more than 15 days after such occurrence.

(2) Such notice must state (i) the date of such resignation (or declination to stand for re-election, dismissal or engagement) and (ii) whether, in connection with the audits of the two most recent fiscal years and any subsequent interim period preceding such resignation, dismissal or engagement, there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statements disclosure, auditing scope or procedures, or compliance with the applicable rules of the Commission, which, if not resolved to the satisfaction of the former accountant, would have caused him to make reference in connection with his report to the subject matter of the disagreements (if so, describe such desagreements). The disagreements required to be reported in this paragraph (g)(2) include both those resolved to the former accountant's satisfaction and those not resolved to the former accountant's satisfaction. Disagreements contemplated by this paragraph (g)(2) are those which occur at the decision making level, i.e., between personnel of the registrant responsible for presentation of its financial statement and personnel of the accounting firm responsible for rendering its report. The notice must also state whether the accountant's report on the financial statements for any of the past two years contained an adverse opinion or a disclaimer of opinion or was qualified as to uncertainties, audit scope, or accounting principles (if so, describe the nature of each such adverse opinion, disclaimer of opinion, or qualification). The applicant or registrant must also request the former accountant to furnish the applicant or registrant with a letter addressed to the Commission stating whether he agrees with the statements contained in the notice of the applicant or registrant and, if not, stating the respects in which he does not agree. Each copy of the notice and accountant's letter must be manually signed by the sole proprietor or a general partner or a duly authorized corporate officer of the applicant or registrant, as appropriate, and by the accountant.

(3) If (i) within the 24 months prior to the date of the most recent audited financial statement, a notice has been filed pursuant to paragraph (g)(1) of this section reporting a change of accountants, (ii) included in such filing there is a reported disagreement on any matters of accounting principles or practices, financial statements disclosure, auditing scope, or noncompliance with the applicable rules of the Commission, (iii) during the fiscal year in which the change in accountants took place or during the subsequent fiscal year, there have been any transactions or events similar to those which involved a reported disagreement, and (iv) such transactions or events are material and were accounted for or disclosed in a manner different from that which the former accountant apparently would have concluded was required, the existence and nature of the disagreements and also the effect on the financial statements must be stated in a written notice to

the Commission at its principal office in Washington, D.C., and the designated self-regulatory organization, if any, if the method which the former accountant apparently would have concluded was required had been followed. These disclosures need not be made if the method asserted by the former accountant ceases to be generally accepted because of authoritative standards or interpretations subsequently issued. The notice required by this paragraph (g)(3) must be filed by the applicant or registrant concurrently with the financial statements to which it pertains.

5. By amending § 1.17 to read as follows:

§ 1.17 Minimum financial requirements—futures commission merchants.

(a)(1) Except as provided in paragraph (a)(2) of this section, each person registered as a futures commission merchant must maintain adjusted net capital equal to or in excess of (i) the greater of $150,000 ($50,000 for a member of a designated self-regulatory organization) or 6⅔ percent of aggregate indebtedness, or, (ii) in the case of a registrant electing to operate pursuant to paragraph (g) of this section, the greater of $150,000 ($50,000 for a member of a designated self-regulatory organization) or 4 percent of the funds required to be segregated pursuant to the Act and these regulations plus, for Securities Brokers and Dealers, 4 percent of aggregate debit items computed in accordance with the Formula for Determination of Reserve Requirements (Exhibit A to Rule 15c3-3, 17 CFR 240.15c3-3a).

(2) The requirements of paragraph (a)(1) of this section shall not be applicable if the registrant is a member of a designated self-regulatory organization and conforms to minimum financial standards and related reporting requirements set by such designated self-regulatory organization in its bylaws, rules, regulations or resolutions approved by the Commission pursuant to section 4f(2) of the Act after (the effective date of this regulation).

(3) No person applying for registration as a futures commission merchant shall be so registered unless such person affirmatively demonstrates to the satisfaction of the Commission that it complies with the financial requirements of this section 1.17. Each registrant must be in compliance with this section 1.17 at all times and must be able to demonstrate such compliance to the satisfaction of the Commission and/or the designated self-regulatory organizaton.

(4) A registrant who is not in compliance with this section 1.17 or unable to demonstrate compliance with this section 1.17 as required by paragraph (a)(3) above, must transfer all customer accounts and immediately cease doing business as a futures commisson merchant until such time as the registrant is able to demonstrate such compliance. *Provided, however,* That the registrant may trade for liquidation purposes only unless otherwise directed by the Commission and/or the designated self-regulatory organization. *Provided, further,* That if such registrant immediately demonstrates to the satisfaction of the Commission or the designated self-regulatory organization the ability to get into compliance, the Commission or the designated self-regulatory organization may allow such registrant up to a maximum of 10 business days in which to do so without having to transfer accounts and cease doing business as required above. Nothing in this paragraph (a)(4) shall be construed as preventing the Commission or the designated self-regulatory organization from taking action against a registrant for non-compliance with any of the provisions of this section.

(b) For the purposes of this section: (1) Where the applicant or registrant has an asset or liability which is defined in Securities and Exchange Commission rule § 240.15c3-1 of this title, the inclusion or exclusion of all or part of such asset or liability for the computation of adjusted net capital and aggregate indebtedness shall be in accordance with § 240.15c3-1 of this title, unless specifically stated otherwise in this section.

(2) "Customer" means customer (as defined in § 1.3(k)) and option customer (as defined in § 32.1(d)).

(3) "Proprietary account" means a commodity futures or options account carried on the books of the applicant or registrant for the applicant or registrant itself, or for general partners.

(4) "Non-customer account" means a commodity futures or option account carried on the books of the applicant or registrant which is not included in the definition of customer (as defined in § 1.17(b)(2)) or proprietary account (as defined in § 1.17(b)(3)).

(5) "Commodity option", "options customer", "premium", "striking price", "domestic commodity option exchange", and "domestic option customer funds" have the same meaning as in part 32 of these regulations.

(c) Definitions: For the purposes of this section:

(1) "Net capital" means the amount by which current assets exceed liabilities. In determining "net capital":

(i) Unrealized profits shall be added and unrealized losses shall be deducted in the accounts of the applicant or registant, including unrealized profits and losses on fixed price commitments and forward contracts;

(ii) All long and all short positions in listed security options shall be marked to their market value and all long and all short securities and commodities positions shall be marked to their market value;

(iii) The value attributed to any nontransferable commodity option shall be the difference between the option's striking price and the market value for the actual commodity or futures contract which is the subject of the option. In the case of a call commodity option, if the market value for the actual commodity or futures contract which is the subject of the option is less than the striking price of the option, it shall be given no value. In the case of a put commodity option, if the market value for the actual commodity or futures contract which is the subject of the option is more than the striking price of the option, it shall be given no value; and

(iv) The value attributed to any unlisted security option shall be the difference between the option's exercise value or striking value and the market value of the underlying security. In the case of an unlisted call, if the market value of the underlying security is less than the exercise value or striking value of such call, it shall be given no value; and, in the case of an unlisted put, if the market value of the underlying security is more than the exercise value or striking value of the unlisted put, it shall be given no value.

(2) The term "current assets" means cash and other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold during the next 12 months. "Current assets" shall:

(i) Exclude any unsecured commodity futures or option account containing a ledger balance and open trades, the combination of which liquidates to a deficit or containing a debit ledger balance only, provided however, deficits or debit ledger balances in unsecured customers', non-customers' and proprietary accounts, which are the subject of calls for margin or other required deposits which are outstanding one business day or less, may be included in current assets;

(ii) Exclude all unsecured receivables, advances and loans except for:

(A) Receivables resulting from the marketing of inventories commonly associated with the business activities of the applicant or registrant and advances on fixed price purchase commitments; Provided, such receivables or advances are outstanding no longer than seventy-five (75) days from the date that they arise;

(B) Interest receivable, floor brokerage receivable, commissions receivable from other brokers or dealers (other than syndicate profits), mutual fund concessions receivable and management fees receivable from registered investment companies and commodity pools, provided such receivables are

outstanding no longer than thirty (30) days from the date they arise; and dividends receivable outstanding no longer than thirty (30) days from the payable date;

(C) Receivables from "clearing organizations," option clearing organizations, foreign clearing organizations, and securities clearing organizations;

(D) Receivables from registered futures commission merchants or brokers, resulting from commodity futures or option transactions, except those specifically excluded under paragraph (c)(2)(i) of this section;

(E) Insurance claims which arise from a reportable segment of the applicant's or registrant's overall business activities, as defined in generally accepted accounting principles, other than in the commodity futures, commodity option, security, and security option segments of the applicant's or registrant's business activities which are not outstanding more than seventy-five (75) days after the date they are recorded as a receivable.

(F) All other insurance claims not subject to paragraph (c)(2)(ii)(E) of this section, which are not older than seven (7) business days from the date the loss giving rise to the claim is discovered; insurance claims which are not older than twenty (20) business days from the date the loss giving rise to the claim is discovered and which are covered by an opinion of outside counsel that the claim is valid and is covered by insurance policies presently in effect; insurance claims which are older than twenty (20) business days from the date the loss giving rise to the claim is discovered and which are covered by an opinion of outside counsel that the claim is valid and is covered by insurance policies presently in effect and which have been acknowledged in writing by the insurance carrier as due and payable, provided such claims are not outstanding longer than twenty (20) business days from the date they are so acknowledged by the carrier;

(iii) Exclude all prepaid expenses and deferred charges;

(iv) Exclude all inventories except for:

(A) Readily marketable spot commodities; or spot commodities which "adequately collateralize" indebtedness under paragraph (c)(7) of this section;

(B) Securities which are considered "readily marketable" (as defined in 17 CFR 240.15c3-1(c)(11)) or which "adequately collateralize" indebtedness under paragraph (c)(7) of this section;

(C) Work in process and finished goods at market value which result from the processing of commodities;

(D) Raw materials at market value which will be combined with spot commodities to produce a finished processed commodity; and

(E) Inventories held for resale commonly associated with the business activities of the applicant or registrant;

(v) Include fixed assets and assets which otherwise would be considered non-current to the extent of any indebtedness excluded in accordance with paragraph (c)(6)(v) of this section, provided such liabilities are not excluded from liabilities in the computation of net capital under paragraph (c)(4)(v) of this section;

(vi) Exclude all assets doubtful of collection or realization less any reserves established therefore;

(vii) Include, in the case of future income tax benefits arising as a result of unrealized losses, the amount of such benefits not exceeding the amount of income tax liabilities accrued on the books and records of the applicant or registrant, but only to the extent such benefits could have been applied to reduce accrued tax liabilities on the date of the capital computation, had the related unrealized losses been realized on that date;

(viii) Include guarantee deposits with and to the extent of margin value, stock in clearing organizations.

(ix) Exclude exchange memberships.

(3) A loan or advance or any other form of receivable shall not be considered "secured" for the purposes of paragraph (c)(2) of this section unless the following conditions exist:

(i) The receivable is secured by readily marketable collateral which is otherwise unencumbered and which can be readily converted into cash equal to or in excess of that part of the receivable which is shown in the applicant's or registrant's records as secured; and

(ii) (A) The readily marketable collateral is in the possession or control of the applicant or registrant; or

(B) The applicant or registrant has a legally enforceable, written security agreement, signed by the debtor, and has a perfected security interest in the readily marketable collateral within the meaning of the laws of the state in which the readily marketable collateral is located.

(4) The term "liabilities" means the total money liabilities of an applicant or registrant arising in connection with any transaction whatsoever, including economic obligations of an applicant or registrant that are recognized and measured in conformity with generally accepted accounting principles. "Liabilities" also include certain deferred credits that are not obligations but that are recognized and measured in conformity with generally accepted accounting principles. For the purposes of computing "net capital", the term "liabilities":

(i) Excludes liabilities of an applicant or registrant which are subordinated to the claims of all general creditors of the applicant or registrant pursuant to a satisfactory subordination agreement, as defined in paragraph (h) of this section;

(ii) Excludes the amount of money, securities, and property due to commodity futures or option customers which is held in segregated accounts in compliance with the requirements of the Act and these regulations: *Provided, however,* That such exclusion may be taken only if such money, securities, and property held in segregated accounts have been excluded from current assets in computing net capital;

(iii) Includes, in the case of an applicant or registrant who is a sole proprietor, the excess of liabilities which have not been incurred in the course of business as a futures commission merchant over assets not used in the business;

(iv) Excludes the lesser of any deferred income tax liability related to the items in (A), (B), and (C) below, or the sum of (A), (B), and (C) below:

(A) The aggregate amount resulting from applying to the amount of the deductions computed in accordance with paragraph (c)(5) or paragraph (g) of this section, the appropriate Federal and State tax rates(s) applicable to any unrealized gain on the asset on which the deduction was computed;

(B) Any deferred tax liability related to income accrued which is directly related to an asset otherwise deducted pursuant to this section;

(C) Any deferred tax liability related to unrealized appreciation in value of any asset(s) which has been otherwise excluded from current assets in accordance with the provisions of this section; and

(v) Excludes liabilities which would be classified as long term in accordance with generally accepted accounting principles to the extent of the net book value of plant, property, and equipment which is used in the ordinary course of any trade or business of the applicant or registrant which is a reportable segment of the applicant's or registrant's overall business activities, as defined in generally accepted accounting principles, other than in the commodity futures, commodity option, security, and security option segments of the applicant's or registrant's business activities; *Provided:* That, such plant, property, and equipment is not included in current assets pursuant to paragraph (c)(2)(v) of this section, and *Provided further:* That, the exclusion provided for in this paragraph (c)(4)(v) does not apply when computng aggregate indebtedness pursuant to paragraph (c)(6) of this section.

(5) The term "adjusted net capital" means net capital less:

(i) The amount by which any advances paid by the applicant or registrant on cash commodity contracts and used in computing net capital ex-

ceeds 95 percent of the market value of the commodities covered by such contracts;

(ii) In the case of all inventory, fixed price commitments and forward contracts the applicable percentage of the net position specified below:

(A) Inventory which is covered by commodity futures or options—5 percent of the market value.

(B) Inventory which is not covered—20 percent of the market value.

(C) Fixed price commitments (open purchases and sales) and forward contracts which are covered by commodity futures or options.—10 percent of the market value.

(D) Fixed price commitments (open purchases and sales) and forward contracts which are not covered by commodity futures or options—20 percent of the market value.

(iii) (Reserved).

(iv) (Reserved).

(v) In the case of securities and obligations used by the applicant or registrant in computing net capital, and in the case of securities in segregation pursuant to section 4d(2) of the Act and these regulations which were not deposited by customers, the percentages specified in 17 CFR 240.15c3-1 (c)(2)(vi) ("Securities Haircuts") and 100 percent of the value of "Non-Marketable Securities" as specified in 17 CFR 240.15c3-1(c)(2)(vii), or where appropriate, for Securities Brokers or Dealers the percentages specified in 17 CFR 240.15c3-1(f);

(vi) In the case of securities options used by the applicant or registrant in computing net capital, the deductions specified in 17 CFR 240.15c3-1 Appendix A, after effecting certain adjustments to net capital for listed and unlisted options as set forth in such Appendix;

(vii) In the case of an applicant or registrant who has open contractual commitments, as hereinafter defined, the deductions specified in 17 CFR 240.15c3-1(c)(2)(viii);

(viii) For undermargined customer commodity futures and grantor commodity option accounts, the amount of funds required in each such account to meet maintenance margin requirements of the applicable board of trade or if there are no such maintenance margin requirements, clearing organization margin requirements applicable to such positions after application of calls for margin, or other required deposits which are outstanding five business days or less until December 31, 1979, four business days or less until December 31, 1980, and three business days or less thereafter. If there are no such maintenance margin requirements or clearing organization margin requirements on such accounts, then the amount of funds required to provide margin equal to the amount necessary after application of calls for margin, or other required deposits outstanding five days or less until December 31, 1979, four days or less until December 31, 1980, and three days or less thereafter to restore original margin when the initial margin has been depleted by 50 percent or more. Provided, to the extent a deficit is excluded from current assets in accordance with paragraph (c)(2)(i) if this section such amount shall not also be deducted under this paragraph (c)(5)(viii);

(ix) For undermargined non-customer and omnibus commodity futures and grantor commodity option accounts, the amount of funds required in each such account to meet maintenance margin requirements of the applicable board of trade or if there are no such maintenance margin requirements, clearing organization margin requirements applicable to such positions after application of calls for margin, or other required deposits which are outstanding two business days or less. If there are not such maintenance margin requirements or clearing organization margin requirements, then the amount of funds required to provide margin equal to the amount necessary after application of calls for margin, or other required deposits outstanding two days or less to restore original margin when the initial margin has been deleted by 50 percent or more. Provided, to the extent a deficit is excluded from current assets in accordance with paragraph (c)(2)(i) if this section such amount shall not also be deducted under this paragraph (c)(5)(ix);

(x) In the case of open futures contracts and grantor commodity options held in proprietary accounts carried by the applicant or registrant which are not covered by a position held by the applicant or registrant or which are not the result of a "changer trade" made in accordance with the rules of a contract market the safety factor shall be:

(A) For an applicant or registrant which is a clearing member of a contract market or domestic commodity option exchange for the positions cleared by such member on such contract market or domestic commodity option exchange, the applicable margin requirement of the applicable clearing organization;

(B) For an applicant or registrant which is a member of a contract market or domestic commodity option exchange 150% of the applicable maintenance margin requirement of the applicable board of trade or clearing organization whichever is greater;

(C) For all other applicants or registrants, 200% of the applicable maintenance margin requirement of the applicable board of trade or clearing organization whichever is greater; or

(D) For open contracts and commodity options for which there is no applicable maintenance margin requirements, 200% of the applicable initial margin requirement.

Provided, the equity in any such proprietary account shall reduce the deduction required by this paragraph (c)(5)(x) if such equity is not otherwise includable in adjusted net capital;

(xi) In the case of an applicant or registrant which is a taker of a commodity option, the safety factor shall be the amount of any commodity option premium which has been used to increase adjusted net capital and in the case of an applicant or registrant which is a grantor of an commodity option, the safety factor may be reduced by the amount of any commodity option premium which has not been previously recognized as income; and

(xii) In the case of a commodity option which is carried long by the applicant or registrant as a taker of a commodity option which has value and such value is used to increase adjusted net capital, the same safety factor as if the applicant or registrant were the grantor of such option in accordance with pargraph (c)(5)(x) of this section, but in no event shall the safety factor be greater than the value attributed to such option.

(xiii) Five percent of all unsecured receivables includable under paragraph (c)(2)(ii)(D) of this section used by the applicant or registrant in computing "net capital" and which are not receivable from (A) a registered futures commission merchant, or (B) a broker or dealer which is registered as such with the Securities and Exchange Commission.

(xiv) For Securities Brokers and Dealers, all other deductions specified in § 240.15c3-1.

(6) The term "aggregate indebtedness" means "liabilities" as defined in paragraph (c)(4) of this section excluding:

(i) Indebtedness adequately collateralized by spot commodities which are carried long by the applicant or registrant and indebtedness adequately collateralized by securities which are carried long by the applicant or registrant and which have not been sold, or by securities which collateralize a secured demand note pursuant to paragraph (h) of this section;

(ii) Indebtedness arising in connection with an advance to a non-proprietary account when such indebtedness is adequately collateralized by spot commodites eligible for delivery on a contract market and when such spot commodites are fully hedged;

(iii) Advances received by the applicant or registrant against bills of lading issued in connection with the shipment of commodities sold by the applicant or registrant;

(iv) Equity balances in the accounts of general partners;

(v) Long-term debt adequately collat- eralized by assets acquired for use in the ordinary course of the trade

or business of an applicant or registrant but no other long-term debt adequately collateralized by assets of the applicant or registrant shall be excluded unless the sole recourse of the creditor for nonpayment of such liability is to such asset;

(vi) Liabilities which are effectively subordinated to the claims of creditors (but which are not subject to a satisfactory subordination agreement as defined in paragraph (h) of this section) by other than customers of the applicant or registrant prior to such subordination, and such subordinations by customers as may be approved by the applicable designated self-regulatory organization or if the applicant or registrant is not a member of a designated self-regulatory organization, then the Commission; and

(vii) Deferred tax liabilities, not already excluded in paragraph (c)(4)(iv) of the section.

(7) "Liabilities" are "adequately collateralized" when, pursuant to a legally enforceably written instrument, such liabilities are secured by identified assets that are otherwise unencumbered and the market value of which exceeds the amount of such liabilities.

(8) The term "contractual commitments" shall include underwriting, when issued, when distributed and delayed delivery contracts; the writing or endorsement of security puts and calls and combinations thereof; and commitments in foreign currencies; but shall not include uncleared regular way purchases and sales of securities. As series of contracts of purchase or sale of the same security, conditioned, if at all, only upon issuance, may be treated as an individual commitment.

(d) No applicant or registrant shall permit the total of outstanding principal amounts of its satisfactory subordination agreements (other than such agreements which qualify under this paragraph (d) as equity capital) to exceed 70 percent of its debt-equity total, as hereinafter defined, for a period in excess of 90 days or for such longer period which the Commission may, upon application of the applicant or registrant, grant in the public interest or for the protection of investors. In the case of a corporation, the debt—equity total shall be the sum of its outstanding principal amounts of satisfactory subordination agreements, par or stated value of capital stock, paid in capital in excess of par, retained earnings, unrealized profit and loss and other capital accounts. In the case of a partnership, the debt-equity total shall be the sum of its outstanding principal amounts of satifactory subordination agreements, capital accounts of partners (exclusive of such partners' commodity and securities accounts) subject to the provisions of paragraph (e) of this section, and unrealized profit and loss. In the case of a sole proprietorship, the debt-equity total shall include the sum of its outstanding principal amounts of satisfactory subordination agreements, capital accounts of the sole proprietorship and unrealize profit and loss. Provided, however, that a satisfactory subordination agreement entered into by a partner or stockholder which has an intial term of at least three years and has a remaining term of not less than 12 months shall be considered equity for the purposes of this paragraph (d) if; (1) it does not have any of the provisions for accelerated maturity provided for by paragraphs (h)(2)(ix)(A), (h)(2)(x)(A), or (h)(2)(x)(B) of this section, and is maintained as capital subject to the provisions restricting the withdrawal thereof required by paragraph (e) of this section, or (2) the partnership agreement provides that capital contributed pursuant to a satisfactory subordination agreement as defined in paragraph (h) of this section shall in all respects be partnership capital subject to the provisions restricting the withdrawal thereof required by paragraph (e) of this section.

(e) No equity capital of the applicant or registrant or a subsidiary's or affiliate's equity capital consolidated pursuant to paragraph (f) of this section, whether in the form of capital contributions by partners (excluding amounts in the commodites and securities accounts of partners and balances in limited partners' capital accounts in excess of their stated capital contributions), par or stated value of capital stock, paid-in capital in excess of par or stated value, retained earnings or other capital accounts, may be withdrawn by action of a stockholder or partner or by redemption or repurchase of shares of stock by any of the consolidated entities or through the payment of dividends or any similar distribution, nor may any unsecured advance or loan be made to a stockholder, partner, sole proprietor, or employee if, after giving effect thereto and to any other such withdrawals, advances, or loans and any payments of payment obligations (as defined in paragraph (h) of this section) under satisfactory subordination agreements and any payments of liabilities excluded pursuant to paragraph (c)(4)(v) of this section which are scheduled to occur within six months following such withdrawal, advance or loan, either adjusted net capital of any of the consolidated entities would be less than 10 percent of aggregate indebtedness or its adjusted net capital would fall to equal 120 percentum of the appropriate minimum dollar amount required or would be less than 7 percent of the amount required to be segregated pursuant to the Act and these regulations plus for Securities Brokers or Dealers, 7 percent of the aggregate debit items computed pursuant to 17 CFR 240.15c3-3, or in the case of any applicant or registrant included within such consolidation, if the total outstanding principal amounts of satisfactory subordination agreements of the applicant or registrant (other than such agreements which qualify as equity under paragraph (d) of this section) would exceed 70 percent of the debt-equity total as defined in paragraph (d). Provided, that this provision shall not preclude an applicant or registrant from making required tax payments or preclude the payment to partners of reasonable compensation. The Commission may, upon application of the applicant or registrant, grant relief from this paragraph (e) if the Commission deems it to be in the public interest or for the protection of non-proprietary accounts.

(f)(1) Every applicant or registrant, in computing its net capital and aggregate indebtedness pursuant to this section must, subject to the provisions of paragraphs (f)(2) and (f)(4) of this section, consolidate in a single computation assets and liabilities of any subsidiary or affiliate for which it guarantees, endorses, or assumes directly or indirectly the obligations or liabilities. The assets and liabilities or a subsidiary of affiliate whose liabilities and obligations have not been guaranteed, endorsed, or assumed directly or indirectly by the applicant or registrant may also be so consolidated if an opinion of counsel is obtained as provided for in paragraph (f)(2) of this section.

(2)(i) If the consolidation, provided for in paragraph (f)(1) of this section, of any such subsidiary or affiliate results in the increase of the applicant's or registrant's adjusted net capital and/or increases the applicant's or registrant's percentage of adjusted net capital to aggregate indebtedness or increases the applicant's or registrant's adjusted net capital and/or decreases the minimum adjusted net capital requirement called for by paragraph (g)(1) of this section and an opinion of counsel called for in paragraph (f)(2)(ii) of this section has not been obtained, such benefits shall not be recognized in the applicant's or registrant's computation required by this section.

(ii) Except as provided for in paragraph (f)(2)(i) of this section, consolidation shall be permitted with respect to any subsidiaries or affiliates which are majority owned and controlled by the applicant or registrant and for which the applicant or registrant can demonstrate to the satisfaction of the Commission, and the designated self-regulatory organizaton, if any, by an opinion of counsel that the net asset values, or the portion thereof related to the parent's ownership interest in the subsidiary of affiliate, may be

caused by the applicant or registrant or an appointed trustee to be distributed to the applicant or registrant within 30 calendar days. Such opinion must also set forth the actions necessary to cause such a distribution to be made, identify the parties having the authority to take such actions, identify and describe the rights of other parties or classes of parties, including but not limited to customers, general creditors, subordinated lenders, minority shareholders, employees, litigants, and governmental or regulatory authorities, who may delay or prevent such a distribution and such other assurances as the Commission or the designated self-regulatory organizaton by rule or interpretation may require. Such opinion must be current and periodically renewed in connection with the applicant's or registrant's annual audit pursuant to section 1.10 or upon any material change in circumstances.

(3) In preparing a consolidated computation of adjusted net capital and/or aggregate indebtedness pursuant to this section, the following minimum and non-exclusive requirements shall be observed:

(i) Consolidated adjusted net capital shall be reduced by the estimated amount of any tax reasonably anticipated to be incurred upon distribution of the assets of the subsidiary or affiliate.

(ii) Liabilities of a consolidated subsidiary or affiliate which are subordinated to the claims of present and future creditors pursuant to a satisfactory subordination agreement shall be deducted from consolidated adjusted net capital unless such subordination extends also to the claims of present or future creditors of the parent applicant or registrant and all consolidated subsidiaries.

(iii) Subordinated liabilities of a consolidated subsidiary or affiliate which are consolidated in accordance with paragraph (f)(3)(ii) of this section may not be prepaid, repaid, or accelerated if any of the entities included in such consolidation would otherwise be unable to comply with the provisions of paragraph (h) of this section.

(iv) Each applicant or registrant included within the consolidation shall at all times be in compliance with the adjusted net capital requirement to which it is subject.

(4) No applicant or registrant shall grarantee, endorse, or assume directly or indirectly any obligation or liability of a subsidiary or affiliate unless the obligation or liability is reflected in the computation of adjusted net capital and/or aggregate indebtedness pursuant to this section except as provided in paragraph (f)(2)(i) of this section.

(g) A registrant may elect not to be subject to the limitations of paragraph (a) of this section respecting aggregate indebtedness as defined in paragraph (c)(6) of this section. *Provided,* That in order to qualify to operate under this paragraph (g), such registrant must at all times maintain adjusted net capital equal to the greater of $150,000 ($50,000 for a member of a designated self-regulatory organization) or 4 percent of the funds required to be segregated by the Act and these regulations plus for Securities Brokers or Dealers, 4 percent of the aggregate debit items computed in accordance with the Formula for Determination of Reserve Requirements (Exhibit A to Rule 15c3-3, 17 CFR 240.15c3-3a) and shall notify the designated self-regulatory organization, if any, and the Regional Office of the Commission in which the registrant has its principal place of business, in writing of its election to operate under this provision. Once a registrant has determined to operate pursuant to the provisions of this paragraph (g), he must continue to do so unless a change in such election is approved upon application to the Commission.

(1) A broker or dealer electing to operate pursuant to this paragraph (g) shall be subject to 17 CFR 240.15c3-1(f) in lieu of paragraph (c)(5)(v) of this section.

(2) A broker or dealer who is registered as such with the Securities and Exchange Commission and who is exempt from the provisions of 17 CFR 240.15c3-3 pursuant to paragraph (k)(1) or (k)(2)(i) of that section may not elect to use the alternative contained in this paragraph (g).

(h) The term satisfactory subordination agreement (hereinafter "subordination agreement") means an agreement which contains the minimum and non-exclusive requirements hereinafter set forth.

(1) Certain definitions for purposes of this section: (i) A subordination agreement may be either a subordinated loan agreement or a secured demand note agreement.

(ii) The term "subordinated loan agreement" means the agreement or agreements evidencing or governing a subordinated borrowing of cash.

(iii) The term "collateral value" of any securities pledged to secure a secured demand note means the market value of such securities after giving effect to the percentage deductions specified in paragraph (c) of this section.

(iv) The term "payment obligation" means the obligation of an applicant or registrant in respect to any subordination agreement: (A) to repay cash loaned to the applicant or registrant pursunt to a subordinated loan agreement; or (B) to return a secured demand note contributed to the applicant or registrant or to reduce the unpaid principal amount thereof and to return cash or securities pledged as collateral to secure the secured demand note; and (C) "payment" shall mean the performance by a applicant or registrant of a payment obligation.

(v)(A) The term "secured demand note agreement" means an agreement (including the related secured demand note) evidencing or governing the contribution of a secured demand note to an applicant or registrant and the pledge of securities and/or cash with the applicant or registrant as collateral to secure payment of such secured demand note. The secured demand note agreement may provide that neither the lender, his heirs, executors, administrators, or assigns shall be personally liable on such note and that in the event of default the applicant or registrant shall look for payment of such note solely to the collateral then pledged to secure the same.

(B) The secured demand note shall be a promissory note executed by the lender and shall be payable on the demand of the applicant or registrant to which it is contributed; *Provided, however,* That the making of such demand may be conditioned upon the occurrence of any of certain events which are acceptable to the designated self-regulatory organization and the Commission.

(C) If such note is not paid upon presentment and demand as provided for therein, the applicant or registrant shall have the right to liquidate all or any part of the securities then pledged as collateral to secure payment of the same and to apply the net proceeds of such liquidation, together with any cash then included in the collateral, in payment of such note. Subject to the prior rights of the applicant or registrant as pledgee, the lender, as defined herein, may retain ownership of the collateral and have the benefit of any increases and bear the risks of any decreases in the value of the collateral and may retain the right to vote securities contained within the collateral and any right to income therefrom or distributions thereon, except the applicant or registrant shall have the right to receive and hold as pledgee all dividends payable in securities and all partial and complete liquidating dividends.

(D) Subject to the prior rights of the applicant or registrant as pledgee, the lender may have the right to direct the sale of any securities included in the collateral, to direct the purchase of securities with any cash included therein, to withdraw excess collateral or to substitute cash or other securities as collateral; *Provided,* That the net proceeds of any such sale and the cash so substituted and the securities so purchased or substituted are held by the applicant or registrant as pledgee, and are included within the collateral to secure payment of the secured demand note, and *Provided further,*

That no such transacton shall be permitted if, after giving effect thereto, the sum of the amount of any cash, plus the collateral value of the securities, then pledged as collateral to secure the secured demand note would be less than the unpaid principal amount of the secured demand note.

(E) Upon payment by the lender, as distinguished from a reduction by the lender which is provided for in paragraph (h)(2)(vi)(C) of this section or reduction by the applicant or registrant as provided for in paragraph (h)(2)(vii) of this section, of all or any part of the unpaid principal amount of the secured demand note, the applicant or registrant shall issue to the lender a subordinated loan agreement in the amount of such payment (or in the case of an applicant or registrant that is a partnership, credit a capital account of the lender), or issue preferred or common stock of the applicant or registrant in the amount of such payment, or any combination of the foregoing, as provided for in the secured demand note agreement.

(F) The term "lender" means the person who lends cash to an applicant or registrant pursuant to a subordinated loan agreement and the person who contributes a secured demand note to an applicant or registrant pursuant to a secured demand note agreement.

(2) Minimum requirements for subordination agreements: (i) Subject to paragraph (h)(1) of this section, a subordination agreement shall mean a written agreement between the applicant or registrant and the lender, which: (A) has a minimum term of one year, except for temporary subordination agreements provided for in paragraph (h)(3)(v) of this section, and

(B) Is a valid and binding obligation enforceable in accordance with its terms (subject as to enforcement to applicable bankruptcy, insolvency, reorganization, moratorium and other similar laws) against the applicant or registrant and the lender and their respective heirs, executors, administrators, successors and assigns.

(ii) *Specific amount.* All subordination agreements shall be for a specific dollar amount which shall not be reduced for the duration of the agreement except by installments as specifically provided for their in and except as otherwise provided in this paragraph (h)(2) of this section.

(iii) *Effective subordination.* The subordination agreement shall effectively subordinate any right of the lender to receive any payment with respect thereto, together with accrued interest or compensation, to the prior payment or provision for payment in full of all claims of all present and future creditors of the applicant or registrant arising out of any matter occurring prior to the date on which the related payment obligation matures, except for claims which are the subject of subordination agreements which rank on the same priority as or junior to the claim of the lender under such subordination agreements.

(iv) *Proceeds of subordinated loan agreements.* The subordinated loan agreement shall provide that the cash proceeds thereof shall be used and dealt with by the applicant or registrant as part of its capital and shall be subject to the risks of the business.

(v) *Certain rights of the borrower.* The subordination agreement shall provide that the applicant or registrant shall have the right to: (A) Deposit any cash proceeds of a subordinated loan agreement and any cash pledged as collateral to secure a secured demand note in an account or accounts in its own name in any bank or trust company;

(B) Pledge, repledge, hypothecate and rehypothecate, any or all of the securities pledged as collateral to secure a secured demand note, without notice, separately or in common with other securities or property for the purpose of securing any indebtedness of the applicant or registrant; and

(C) Lend to itself or others any or all of the securities and cash pledged as collateral to secure a secured demand note.

(vi) *Collateral for secured demand notes.* Only cash and securities which are fully paid for and which may be publicly offered or sold without registration under the Securities Act of 1933, and the offer, sale and transfer of which are not otherwise restricted, may be pledged as collateral to secure a secured demand note. The secured demand note agreement shall provide that if at any time the sum of the amount of any cash, plus the collateral value of any securities, then pledged as collateral to secure the secured demand note is less than the unpaid principal amount of the secured demand note, the applicant or registrant must immediately transmit written notice to that effect to the lender, the designated self-regulatory organization, if applicable, and the Commission. The secured demand note agreement shall also require that following such transmittal:

(A) The lender, prior to noon of the business day next succeeding the transmittal of such notice, may pledge as collateral additional cash or securities sufficient, after giving effect to such pledge, to bring the sum of the amount of any cash plus the collateral value of any securities, then pledged as collateral to secure the secured demand note, up to an amount not less than the unpaid principal amount of the secured demand note; and

(B) Unless additional cash or securities are pledged by the lender as provided in (A) above, the applicant or registrant at noon on the business day next succeeding the transmittal of notice to the lender must commence sale, for the account of the lender, of such of the securities then pledged as collateral to secure the secured demand note and apply so much of the net proceeds thereof, together with such of the cash then pledged as collateral to secure the secured demand note as may be necessary to eliminate the unpaid principal amount of the secured demand note; *Provided, however,* That the unpaid principal amount of the secured demand note need not be reduced below the sum of the amount of any remaining cash, plus the collateral value of the remaining securities, then pledged as collateral to secure the secured demand note. The applicant or registrant may not purchase for its own account any securities subject to such a sale; and

(C) The secured demand note agreement may also provide that, in lieu of the procedures specified in the provisions required by (B) above, the lender with the prior written consent of the applicant or registrant and the designated self-regulatory organization or if the applicant or registrant is not a member of a designated self-regulatory organization, then the Commission, may reduce the unpaid principal amount of the secured demand note, *Provided,* That after giving effect to such reduction the adjusted net capital of the applicant or registrant would not be less than 10 percent of aggregate indebtedness or in the case of an applicant or registrant operating pursuant to paragraph (g) of this section, adjusted net capital would not be less than 7 percent of the funds required to be segregated pursuant to the Act and these regulations plus for Securities Brokers or Dealers, 7 percent of the aggregate debit items computed in accordance with 17 CFR 240.15c3-3a. *Provided, further,* That no single secured demand note shall be permitted to be reduced by more than 15 percent of its original principal amount and after such reduction no excess collateral may be withdrawn. No designated self-regulatory organization shall consent to a reduction of the principal amount of a secured demand note if, after giving effect to such reduction, adjusted net capital would be less than 120 percent of the appropriate minimum dollar amount required by this section.

(vii) *Permissive prepayments.* An applicant or registrant at its option but not at the option of the lender, may, if the subordination agreement so provides, make a payment of all or any portion of the payment obligation thereunder prior to the scheduled maturity date of such payment obligation (hereinafter referred to as a "prepayment"), but in no event may any prepayment be made before the expira-

tion of one year from the date such subordination agreement became effective; *Provided, however,* That the foregoing restriction shall not apply to temporary subordination agreements which comply with the provisions of subparagraph (h)(3)(v) of this section. No prepayment shall be made, if, after giving effect thereto (and to all payments of payment obligations under any other subordinated agreements then outstanding the maturity or accelerated maturities of which are scheduled to fall due within six months after the date such prepayment is to occur pursuant to this provision or on or prior to the date on which the payment obligation in respect to such prepayment is scheduled to mature disregarding this provision, whichever date is earlier) without reference to any projected profit or loss of the applicant or registrant, either the adjusted net capital of the applicant or registrant is less than 10 percent of its aggregate indebtedness or in the case of an applicant or registrant operating pursuant to paragraph (g) of this section, its adjusted net capital is less than 7 percent of the funds required to be segregated pursuant to the Act and these regulations plus for Securities Brokers or Dealers, 7 percent of the aggregate debit items computed in accordance with 17 CFR 240.15c3-3a or its adjusted net capital is less than 120% of the appropriate minimum dollar amount required by this section. Notwithstanding the above, no prepayment shall occur without the prior written approval of the designated self—regulatory organization and the Commission.

(viii) *Suspended repayment.* (A) The payment obligation of the applicant or registrant in respect of any subordination agreement shall be suspended and shall not mature if, after giving effect to payment of such payment obligation (and to all payments of payment obligations of the applicant or registrant under any other subordination agreement(s) then outstanding which are scheduled to mature on or before such payment obligation) either the adjusted net capital of the applicant or registrant would be less than 8⅓ percent of aggregate indebtness or in the case of an applicant or registrant operating pursuant to paragraph (g) of this section, adjusted net capital would be less than 6 percent of the funds required to be segregated pursuant to the Act and these regulations plus for Securities Brokers or Dealers, 6 percent of the aggregate debit items computed in accordance with 17 CFR 240.15c3-3a or its adjusted net capital would be less than 120 percent of the minimum dollar amount required by this section; Provided that the subordination agreement may provide that if the payment obligation of the applicant or registrant thereunder does not mature and is suspended as a result of the requirement of this paragraph (h)(2) (viii) of this section for a period of not less than six months the applicant or registrant shall thereupon commence the rapid and orderly liquidation of its business, but the right of the lender to receive payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of this section.

(B) Whenever a subordination agreement provides that an applicant or registrant shall commence a rapid and orderly liquidation, as permitted in paragraph (h)(2)(viii)(A), the date on which the liquidation commences shall be the maturity date for each subordination agreement of the applicant or registrant then outstanding, but the rights of the respective lenders to receive payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of this section.

(ix) *Accelerated maturity.* Obligation to repay to remain subordinate:

(A) Subject to the provisions of paragraph (h)(2)(viii) of this section, a subordination agreement may provide that the lender may, upon prior written notice to the applicant or registrant and the designated self-regulatory organization or if applicant or registrant is not a member of a designated self-regulatory organization, then the Commission, given not earlier than six months after the effective date of such subordination agreement, accelerate the date on which the payment obligation of the borrower, together with accrued interest or compensation, is scheduled to mature to a date not earlier than six months after giving of such notice, but the right of the lender to receive payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of this paragraph (h)(2) or this section.

(B) Notwithstanding the provisions of paragraph (h)(2)(viii) of this section, the payment obligation of the applicant or registrant with respect to a subordination agreement, together with accrued interest and compensation, shall mature in the event of any receivership, insolvency, liquidation pursuant to the Securities Investor Protection Act of 1970 or otherwise, bankruptcy, assignment for the benefit of creditors, reorganization whether or not pursuant to the bankruptcy laws, or any other marshalling of the assets and liabilities of the applicant or registrant but the right of the lender to receive payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of paragraph (h)(2) of this section.

(x) *Accelerated maturity of subordination agreements on event of default and event of acceleration.* Obligation to repay to remain subordinate:

(A) A subordination agreement may provide that the lender may upon prior written notice to the applicant or registrant and the designated self-regulatory organization or if the applicant or registrant is not a member of a designated self-regulatory organization, the Commission, of the occurrence of any event of acceleration (as hereinafter defined) given no sooner than six months after the effective date of such subordination agreement, accelerate the date on which the payment obligation of the applicant or registrant, together with accrued interest or compensation, is scheduled to mature, to the last business day of a calendar month which is not less than six months after notice of acceleration is received by the applicant or registrant and the designated self-regulatory organization, or if the applicant or registrant is not a member of a designated self-regulatory organization, then the Commission. Any subordination agreement containing such events of acceleration may also provide, that if upon such accelerated maturity date the payment obligation of the applicant or registrant is suspended as required by paragraph (h)(2)(viii) of this section and liquidation of the applicant or registrant has not commenced on or prior to such accelerated maturity date then notwithstanding paragraph (h)(2)(viii) of this section the payment obligation of the applicant or registrant with respect to such subordination agreement shall mature on the day immediately following such accelerated maturity date and in any such event the payment obligations of the applicant or registrant with respect to all other subordination agreements then outstanding shall also mature at the same time but the rights of the respective lenders to receive payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of paragraph (h)(2) of this section. Events of acceleration which may be included in a subordination agreement complying with this paragraph (h)(2)(x) of this section shall be limited to:

(*1*) Failure to pay interest or any installment of principal on a subordination agreement as scheduled;

(*2*) Failure to pay when due other money obligations of a specified material amount;

(*3*) Discovery that any material, specified representation or warranty of the applicant or registrant which is included in the subordination agreement and on which the subordination agreement was based or continued was inaccurate in a material respect at the time made; (4) Any specified and clearly measurable event which is included in the subordination agreement and

which the lender and the applicant or registrant agree, (a) is a significant indication that the financial position of the applicant or registrant has changed materially and adversely from agreed upon specified norms; or (b) could materially and adversely affect the ability of the applicant or registrant to conduct its business as conducted on the date the subordination agreement was made; or (c) is a significant change in the senior management of the applicant or registrant or in the general business conducted by the applicant or registrant from that which obtained on the date the subordination agreement became effective;

(5) Any continued failure to perform agreed covenants included in the subordination agreement relating to the conduct of the business of the applicant or registrant or relating to the maintenance and reporting of its financial position; and

(B) Notwithstanding the provisions of paragraph (h)(2)(viii) of this section, a subordination agreement may provide that, if liquidation of the business of the applicant or registrant had not already commenced, the payment obligation of the applicant or registrant shall mature, together with accrued interest or compensation, upon the occurrence of an event of default (as hereinafter defined). Such agreement may also provide that, if liquidation of the business of the applicant or registrant has not already commenced, the rapid and orderly liquidation of the business of the applicant or registrant shall then commence upon the happening of an event of default. Any subordination agreement which so provides for maturity of the payment obligation upon the occurrence of an event of default shall also provide that the date on which such event of default occurs shall, if liquidation of the applicant or registrant has not already commenced, be the date on which the payment obligation of the applicant or registrant with respect to all other subordination agreements then outstanding shall mature but the rights of the respective lenders to receive payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of paragraph (h)(2) of this section. Events of default which may be included in a subordination agreement shall be limited to:

(1) The making of an application by the Securities Investor Protection Corporation for a decree adjudicating that customers of the applicant or registrant are in need of protection under the Securities Investor Protection Act of 1970 and the failure of the applicant or registrant to obtain the dismissal of such application within 30 days;

(2) Failure to meet the minimum capital requirements of the designated self-regulatory organization, or of the Commission, throughout a period of 15 consecutive business days, commencing on the day the borrower first determines and notifies the designated self-regulatory organization, if any, of which he is a member and the Commission; or any self-regulatory organization or the Commission first determines and notifies the applicant or registrant of such fact;

(3) The Commission shall revoke the registration of the applicant or registrant;

(4) The self-regulatory organization shall suspend (and not reinstate within 10 days) or revoke the applicant or registrant's status as a member thereof;

(5) Any receivership, insolvency, liquidation pursuant to the Securities Investor Protection Act of 1970 or otherwise, bankruptcy, assignment for the benefit of creditors, reorganization whether or not pursuant to bankruptcy laws, or any other marshalling of the assets and liabilities of the applicant or registrant. A subordination agreement which contains any of the provisions permitted by this subparagraph (2)(x) shall not contain the provision otherwise pemitted by paragraph (h)(2)(ix)(A) of this section.

(3) *Miscellaneous provisions.*—(i) *Prohibited cancellation.* The subordination agreement shall not be subject to cancellation by either party; no payment shall be made with respect thereto and the agreement shall not be terminated, rescinded or modified by mutual consent or otherwise if the effect thereof would be inconsistent with the requirements of paragraph (h) of this section.

(ii) *Notice of maturity or accelerated maturity.* Every applicant or registrant shall immediately notify the designated self-regulatory organization and the Commission if, after giving effect to all payments of payment obligations under subordination agreements then outstanding which are then due or mature within the following six months without reference to any projected profit or loss of the applicant or registrant, either the aggregate indebtedness of the applicant or registrant would exceed 8⅓ percent of its adjusted net capital or its adjusted net capital would be less than 120 percent of the minimum dollar amount required by § 1.17 or in the case of an applicant or registrant who is operating pursuant to paragraph (g) of § 1.17, its adjusted net capital would be less than 6 percent of the funds required to be segregated pursuant to the Act and these regulations plus for Securities Brokers or Dealers, 6 percent of the aggregate debit items computed in accordance with 17 CFR 240.15c3-3a.

(iii) *Certain legends.* If all the provisions of a satisfactory subordination agreement do not appear in a single instrument, then the debenture or other evidence of indebtedness shall bear on its face an appropriate legend stating that it is issued subject to the provisions of a satisfactory subordination agreement which shall be adequately referred to and incorporated by reference.

(iv) *Legal title to securities.* All securities pledged as collateral to secure a secured demand note must be in bearer form, or registered in the name of the applicant or registrant or the name of its nominee or custodian.

(v) *Temporary subordinations.* For the purpose of enabling an applicant or registrant to participate as an underwriter of securities or other extraordinary activities in compliance with the adjusted net capital requirements of this section, an applicant or registrant shall be permitted, on no more than three occasions in any 12-month period to enter into a subordination agreement on a temporary basis which has a stated term of no more than 45 days from the date the subordination agreement became effective. *Provided,* That this temporary relief shall not apply to any applicant or registrant if either the adjusted net capital of the applicant or registrant is less than 10 percent of its aggregate indebtedness or in the case of an applicant or registrant operating pursuant to paragraph (g) of this section, adjusted net capital is less than 7 percent of the funds required to be segregated pursuant to the Act and these regulations plus for Securities Brokers or Dealers, 7 percent of the aggregate debit items computed in accordance with 17 CFR 240.15c3-3a or its adjusted net capital is less than 120% of the appropriate minimum dollar amount required by this section, or the amount of its then outstanding subordination agreements exceeds the limits specified in paragraph (d) of this section. Such temporary subordination agreement shall be subject to all the other provisions of this section.

(vi) *Filing.* Two copies of any proposed subordination agreement (including nonconforming subordination agreements) shall be filed with the Commission at least ten days prior to the proposed execution date of the agreement or at such other time as the Commission for good cause shall accept such filing. Copies of the proposed agreement shall be filed with the designated self-regulatory organization, if any, of which the applicant or registrant is a member in such quantities and at such time as the designated self-regulatory organization may require. The applicant or registrant shall also file with said parties a statement setting forth the name and address of the lender, the business relationship of the lender to the applicant or registrant and whether the ap-

plicant or registrant carried funds or securities for the lender at or about the time the proposed agreement was so filed. All agreements shall be examined at the Commission and the designated self-regulatory organization with whom such agreements are required to be filed prior to their becoming effective. No proposed agreement shall be a satisfactory subordination agreement for the purposes of this section unless and until the Commission has found the agreement acceptable and such agreement has become effective in the form found acceptable.

(vii) *Subordination agreements in effect prior to adoption*—Any subordination agreement which has been entered into prior to (date of adoption) and which has been deemed to be satisfactorily subordinated pursuant to this section heretofore in effect or the adjusted net capital rules of a self-regulatory organization shall continue to be deemed a satisfactory subordination agreement until the maturity of such agreement. Provided, that no renewal of an agreement which provides for automatic or optional renewal by the applicant or registrant or lender shall be deemed to be a satisfactory subordination agreement unless such renewed agreement meets the requirements of this section, within six months of (the effective date of this section). *Provided further,* That all subordination agreements must meet the requirements of this rule within five years of (date of adoption).

(4) A designated self-regulatory organization and the Commission may allow debt with a maturity date of one year or more to be treated as meeting the provisions of this paragraph (h) provided:

(i) Such exemption shall only be given when the registrant's adjusted net capital is less than the minimum required by this § 1.17 or by the capital rule of the designated self-regulatory organization to which such registrant is subject;

(ii) Such exemption shall be for a period of thirty days or such lesser period as the designated self-regulatory organization and the Commission may determine;

(iii) Such exemption shall not be allowed more than once in any twelve month period; and

(iv) At all times during such exemption the registrant shall make a good faith effort to comply with the provisions of this § 1.17 or the capital rule of the designated self-regulatory organization to which such registrant is subject exclusive of any benefits derived from this paragraph (h)(4).

(i) [Reserved]

(j) For the purposed of this section "cover" is defined as follows:

(1) *General definition.* Cover shall mean transactions or positions in a contract for future delivery on a board of trade or a commodity option where such transactions or positions normally represent a substitute for transactions to be made or positions to be taken at a later time in a physical marketing channel, and where they are economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise, and where they arise from:

(i) The potential change in the value of assets which a person owns, produces, manufactures, processes, or merchandises or anticipates owning, producing, manufacturing, processing, or merchandising.

(ii) The potential change in the value of liabilities which a person owes or anticipates incurring, or

(iii) The potential change in the value of services which a person provides, purchases or anticipates providing or purchasing. Notwithstanding the foregoing, no transactions or positions shall be classified as cover for the purposes of this section unless their purpose is to offset price risks incidental to commercial cash or spot operations and such positions are established and liquidated in accordance with sound commercial practices and unless the provisions of paragraphs (j)(2) and (3) of this section have been satisfied.

(2) *Enumerated Cover Transactions.* The definition of covered transactions and positions in paragraph (j)(1) of this section includes, but is not limited to, the following specific transactions and positions:

(i) Ownership or fixed-price purchase of any commodity which does not exceed in quantity the sales of the same commodity for future delivery on a board of trade or the purchase of a put commodity option of the same comodity for which the market value for the actual commodity or futures contract which is the subject of the option is less than the striking price of the option.

(ii) Fixed-price sale of any commodity which does not exceed in quantity the purchase of the same commodity for future delivery on a board of trade or the purchase of a call commodity option of the same commodity for which the market value for the actual commodity or futures contract which is the subject of such option is more than the striking price of the option; and

(iii) Ownership or fixed price contracts of a commodity described in paragraphs (j)(2)(i) and (j)(2)(ii) of this section may also be covered other than by the same quantity of the same cash commodity, provided that the fluctuations in value of the position for future delivery or commodity option are substantially related to the fluctuations in value of the actual cash position.

(3) *Non-Enumerated cases.* Upon specific request, the Commission may recognize transactions and positions other than those enumerated in paragraph (j)(2) of this section as cover in amounts and under the terms and conditions as it may specify. Any applicant or registrant who wishes to avail himself of the provisions of this paragraph (j)(3) must apply to the Commission in writing at its principal office in Washington, D.C. giving full details of the transaction including detailed information which will demonstrate that the transaction is economically appropriate to the reduction of risk exposure attendant to the conduct and management of a commercial enterprise.

6. By revising § 1.18 (b) and (c) to read as follows:

§ 1.18 Records for and relating to financial reporting and monthly computation.

* * * * *

(b) Each applicant or registrant must make and keep as a record in accordance with § 1.31, formal computations of his adjusted net capital and of its minimum financial requirements pursuant to § 1.17 as of the close of business each month. Such computations must be completed and made available for inspection by any representative of the Commission or designated self-regulatory organization, if any, within 30 days after the date for which the computations are made, commencing the first month end after the date the application for registration is filed or the first month end after (the effective date of this section).

(c) [Revoked]

7. By adding a new § 1.52, reading as follows:

§ 1.52 Self-regulatory organization adoption and surveillance of minimum financial requirements.

(a) Each self-regulatory organization must adopt minimum financial and related reporting requirements for all its member futures commission merchants by December 25, 1978. Such requirements must be the same as, or more stringent than, those contained in §§ 1.10 and 1.17 of this part, and the definition of adjusted net capital must be the same as that prescribed in § 1.17(c) of this part.

(b) Any two or more self-regulatory organizations may file with the Commission a plan for delegating to a designated self-regulaltory organization, for any futures commission merchant which is a member of more than one such self-regulatory organization, the responsibility of:

(1) Monitoring and auditing for compliance with the minimum financial and related reporting requirements adopted by such self-regulatory organizations in accordance with paragraph (a) of this section; and

(2) Receiving the financial reports necessitated by such minimum financial and related reporting requirements.

Such a plan may also delegate the responsibility of examining the books and records kept by such futures commission merchant relating to its business of dealing in: (A) Commodity futures and cash commodities, insofar as such business relates to its dealing on contract markets, as required by § 1.51(a)(3); or (B) commodity options and physical commodities, insofar as such business relates to its dealing on domestic commodity option exchanges, as required by § 32.5(g)(4).

(c) Any plan filed under this § 1.52 may contain provisions for the allocation of expenses reasonably incurred by the designated self-regulatory organization among the self-regulatory organizations participating in such a plan.

(d) A plan's designated self-regulatory organization must report to that plan's other self-regulatory organizations any violation of such other self-regulatory organizations' rules and regulations for which the responsibility to monitor, audit or examine has been delegated to such designated self-regulatory organization under this § 1.52.

(e) The self-regulatory organizations may, among themselves, establish programs to provide access to any necessary financial or related information.

(f) After appropriate notice and opportunity for comment, the Commission may, by written notice, approve such a plan, or any part of the plan, if it finds that the plan, or any part thereof: Is necessary or appropriate to serve the public interest; is for the protection and in the interest of customers; reduces multiple monitoring and auditing for compliance with the minimum financial rules of the self-regulatory organizations submitting the plan for any futures commission merchant which is a member of more than one self-regulatory organization; reduces multiple reporting of the financial information necessitated by such minimum financial and related reporting requirements by any futures commission merchant which is a member of more than one self-regulatory organization; fosters cooperation and coordination among the contract markets; and does not hinder the development of a registered futures association under section 17 of the Act.

(g)(1) Upon the approval of a plan or part thereof under § 1.52(f), a self-regulatory organization which is included in such a plan shall be considered to have met its affirmative action responsibilities under § 1.51 to the extent that such responsibilities have been delegated to a designated self-regulatory organization.

(2) After the Commission has approved a plan or part thereof under § 1.52(f), a self-regulatory organization relieved of responsibility must notify each of its members which is subject to such a plan: (A) Of the limited nature of its responsibility for such a member's compliance with its minimum financial and related reporting requirements; and (B) of the identity of the designated self-regulatory organization which has been delegated responsibility for such a member.

(h) The Commission may at any time, after appropriate notice and opportunity for hearing, withdraw its approval of any plan or part thereof established under this § 1.52, if such plan or part thereof ceases to adequately effectuate the purposes of section 4f(2) of the act or of this § 1.52.

(i)(1) If a futures commission merchant holding membership in a self-regulatory organization ceases to be a member in good standing of that self-regulatory organization, such futures commission merchant must, on the same day that event takes place, give telegraphic notice of that event to the principal office of the Commission in Washington, D.C.

(2) Whenever a futures commission merchant holding membership in a self-regulatory organization ceases to be a member in good standing of that self-regulatory organization, such self-regulatory organization must, on the same day that event takes place, give telegraphic notice of that event to the principal office of the Commission in Washington, D.C., send a copy of that notification to such futures commission merchant, and notify such futures commission merchant of its responsibilities under paragraph (i)(1) of this section.

(j) Nothing in this § 1.52 shall preclude the Commission from examining any futures commission merchant for compliance with the minimum financial and related reporting requirements to which such futures commission merchant is subject.

(k) In the event a plan is not filed and/or approved for each futures commission merchant which is a member of more than one self-regulatory organization, the Commission may design and, after notice and opportunity for comment, approve a plan for those futures commission merchants which are not the subject of an approved plan, (under paragraph (f) of this section) delegating to a designated self-regulatory organization the responsibilities described in paragraph (b) of this section.

(7 U.S.C. 6c, 6f, 6g, 7a, 12a and 17.)

* * * * *

Issued in Washington, D.C., on April 5, 1978, by the Commission.

WILLIAM T. BAGLEY,
Chairman,
Commodity Futures Trading Commission.

[FR Doc. 78-9400 Filed 4-7-78; 8:45 am]

federal register

MONDAY, APRIL 10, 1978
PART III

ENDANGERED SPECIES SCIENTIFIC AUTHORITY

■

EXPORT OF BOBCAT, LYNX, RIVER OTTER AND AMERICAN GINSENG

Guidelines and Information Needs for 1978–1979 Export Findings

[4310-55]

ENDANGERED SPECIES SCIENTIFIC AUTHORITY

EXPORT OF BOBCAT, LYNX, RIVER OTTER, AND AMERICAN GINSENG

Guidelines and Information Needs for 1978-1979 Export Findings

AGENCY: Endangered Species Scientific Authority.

ACTION: Notice.

SUMMARY: This notice states in general terms what types of information the Endangered Species Scientific Authority (ESSA) will need in order to support a finding in favor of export of bobcat, lynx, and river otter taken in 1978-1979 and American ginseng harvested in 1978.

ADDRESS: Comments should be addressed to the Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Dr. William Y. Brown, Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets NW., Washington, D.C. 20240, 202-343-5687.

BACKGROUND: The Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 1087, (Convention) and its implementing regulations, 50 CFR part 23, control international trade in animal and plant species included in each of three Appendices, listed in § 23.23. The Convention Appendices are distinct from the list of species issued under the Endangered Species Act of 1973, 16 U.S.C. 1531-1543.

Appendix II includes generally those species not necessarily now threatened with extinction, but which may become so unless trade in them is subject to strict regulation. In addition, Appendix II may include species similar in appearance to those species included because of biological jeopardy.

Bobcat (*Lynx rufus*), lynx (*Lynx canadensis*), and river otter (*Lutra canadensis*) were included in Appendix II effecive February 4, 1977. The animals were included as part of the entire family Felidae and the subfamily Lutrinae. American ginseng (*Panax quinquefolius*) was included when the Convention became effective on July 1, 1975.

The Federal Wildlife Permit Office of the U.S. Fish and Wildlife Service serves as the U.S. Management Authority (MA) for the Convention. Before the MA may issue permits to export specimens of Appendix II species, the MA must be satisfied that specimens were not obtained in violation of domestic law. In addition, the Endangered Species Scientific Authority (ESSA) must advise the MA that the export will not be detrimental to the survival of the species (Convention, Article IV 2).

The ESSA has established in its Interim Charter the following general criteria for determining whether an export will not be detrimental to the survival of a species:

> 1. Whether similar export * * * has occurred in the past, and has not reduced the numbers or distribution of the species, nor caused signs of ecological or behavioral stress within the species, or in other species of the affected ecosystem.
>
> 2. Whether life history parameters of the species and the structure and function of its ecosystem indicate that the present frequency of export * * * will not appreciably reduce the numbers or distribution of the species, nor cause signs of ecological or behavioral stress within the species or in other species of the affected ecosystem.
>
> 3. Whether such export * * * is expected to increase, decrease, or remain constant in frequency.
>
> (ESSA Interim Charter, Article IV. C., 42 FR 35801.)

Through several steps summarized in a notice of March 16, 1978 (43 FR 11082-11093), the ESSA has evaluated the status of bobcat, lynx, river otter, and American ginseng in each State, making findings and establishing conditions concerning detriment to survival.

In a separate notice of March 16, 1978 (43 FR 11097), the ESSA gave notice of procedures to be followed in 1978-1979 for public participation in decisions of the ESSA concerning commercial export of these four species. That notice stated that on or about April 10, 1978:

> The ESSA will give notice in the FEDERAL REGISTER of the types of biological data, harvest or export information, and any other information the ESSA will need in order to find in favor of exports of the bobcat, lynx, river otter, and American ginseng. Copies of this notice will be sent to State fish and wildlife agencies and other interested parties. Thirty days will be provided for comment.

The present notice is that referred to in the preceding paragraph.

GUIDELINES FOR ESSA FINDINGS IN FAVOR OF EXPORT

Relationship between export and harvest. Prior to issuance of export permits by the MA, the ESSA must advise that the export "will not be detrimental to the survival of the species." This provision recognizes that harvest may be directly related to export, and that certain levels of harvest may be detrimental to a species' survival.

The relationship between export and harvest is not well known for these species, particularly the bobcat. For lynx (mostly from Alaska) and river otter a subjective assessment of industry and State sources suggests that nearly all pelts and roots are exported. For bobcat, estimates range from 50 percent to 80-90 percent exports, and for American ginseng estimates range up to 95 percent exports. Besides uncertainty as to the percentage of harvested pelts and roots that are exported, there is also uncertainty as to the extent the domestic market will absorb additional pelts or roots, and at what price, if export is restricted. Ultimately, total demand in volume and price, coupled with availability of the resource, should determine harvest effort. Harvest effort may depend strongly on variations in weather and availability of alternate income. These factors are poorly known. The recent and sharp parallel rises in price and harvest of these species, apparently in response to foreign demand, strongly suggest that export restriction will reduce harvest, perhaps substantially. Any more specific conclusion is probably unwarranted. Given the above, the ESSA must consider impact of harvest within States of origin.

BIOLOGICAL REVIEW

The phrase "not detrimental to the survival of the species" requires operational definition, not expressly given in the Convention. Article 4, Par. 3 of the Convention provides some clarification:

> A Scientific Authority in each Party shall monitor both the export permits granted by that State (member country) for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited *in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which species might become eligible for inclusion in Appendix I* (emphasis added), the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.

The above provision clarifies the ESSA's responsibilities in regard to findings concerning detriment to survival, and asserts a continuing obligation to ensure that export does not become detrimental. These provisions suggest a conservation objective similar to optimum sustainable population (OSP). The latter concept appears as a definition in the Marine Mammal Protection Act of 1972:

> * * * the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the optimum carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element. 16 U.S.C. 1362(9).

These conservation objectives defined in the Marine Mammal Protection Act and in the Convention are

meant to take into account ecological contingencies that may be complex and poorly understood. These recent concepts have developed largely out of scientific criticism of maximum sustained yield (MSY), summarized by the Council on Environmental Quality:

Quotas have generally been founded on the concept of maximum sustainable yield (MSY), which is defined as the largest catch that may be taken year after year without reducing a population. As it is usually applied, this concept is too simplistic to serve as a scientific basis for stock management.

The MSY concept generally involves an assumption that the unexploited population level is stable or at least predictable. In fact natural cycles may alter populations considerably from 1 year to the next. The assumption therefore can lead to overexploitation during natural population downswings. This apparently occurred with the anchovy catch off Peru in 1972.

Simply applied, MSY disregards the changes in age distribution, sex ratio, social behavior, and reproduction that may occur when a * * * population is exploited. Further, MSY is usually concerned with a single harvested species and not with its competitors, predators, or prey. A competitive species, for example, may move in and replace one that is overharvested, thus blocking recovery of the original species.

Basic to MSY and other theories that consider one species alone is the notion that a population recovers when exploitation stops or diminishes. The evidence indicates that some will not. When the California sardine was overharvested into commercial extinction by the 1950's, the anchovy replaced it, and the sardine population did not recover. Only the gray whale, of all the great whales grossly reduced by overharvest, has recovered significantly.

In February and April 1975, the U.S. Appeal of the World Wildlife Fund, the Ecological Society of America, the International Union for Conservation of Nature and Natural Resources, and the Smithsonian Institution and the Council on Environmental Quality sponsored workshops on developing a better scientific basis for management of fisheries and other critical living resources. The major conclusion was that no simple formula, such as MSY, is suitable. Rather, scientific management must consider a species in relation to its ecosystem, and any system must conform to four principles:

1. Resources should be managed to prevent irreversible or long-term adverse changes.

2. Because of inadequacies in knowledge and in management institutions, management decisions should include a safety factor.

3. Conservation of one resource should not cause waste of another.

4. Use of a wild living resource should be preceded by survey and analysis of the species and ecosystem involved and should be accompanied by continuous monitoring and assessment, the results to be made available to the public. (Sixth Annual Report of the Council on Environmental Quality, December 1975, pp. 405-407.)

Apparently, harvest consistent with these principles should maintain populations above the level at MSY. How much above, short of exceeding the carrying capacity of the environment, may not be clear even for well studied species. Adoption of a safety factor may be appropriate, allowing flexibility to fine-tune harvest objectives when populations become better understood, and their status more closely monitored.

Application of these principles is difficult and uncertain for species such as bobcat and river otters, where population estimates are only approximate. Special considerations may be needed for lynx in Alaska, whose populations fluctuate dramatically in relation to snowshoe hare populations. These populations apparently have little or no juvenile recruitment during most of the decline in population, and have a high rate of recruitment generally insensitive to harvest during population increase. Virtually nothing is known about populations and harvest levels of American ginseng. In 1977-1978, population estimates for bobcat and river otter partially supported ESSA findings in favor of export, when the reported harvests were well under estimates of MSY.

As one alternative to evaluating impact of harvest by comparing harvest level with population size, the ESSA may rely to some extent upon analysis of population age structure. Given several assumptions, age structure permits estimation of recruitment and loss in a population, indicating whether the population is increasing, decreasing, or stable. The results of this analysis can then be related to harvest (cf. Tabor and Wight, 1977, J. Wildl. Mgmt., 41: 692). Such analyses would be useful if done annually, particularly if coupled with habitat evaluation and with comparison of current density with density at carrying capacity. An approach of this kind has been recommended by a Working Group on the animal species (see 43 FR 11083):

Minimum Requirements for Biological Information

1. Population trend information * * * the method of determination to be a matter of State choice.

2. Information on total harvest of the species.

3. Information on distribution of harvest.

4. Habitat evaluation.

As an interim alternative to the above, the ESSA may rely primarily upon past reported harvest. This approach assumes that yield per unit harvest effort will decrease with population decline. Such an assumption of density dependence is intuitively reasonable, but has not been proven. Furthermore, this method by itself does not estimate the level at which the population is maintained. However, data on total harvest and yield per unit effort are relevant and can be very useful in ESSA findings, particularly if harvest is reported accurately, and if data indicate harvest effort of individual trappers, hunters and collectors, as well as total numbers engaged in harvest.

Management Initiatives

For populations of bobcat, lynx, and river otter in certain States, available biological information may allow the ESSA to find in favor of exports within the terms of the preceding section.

For populations in certain other States, available population and harvest information is lacking, is very limited, or indicates that past harvest has been detrimental. For these populations, management practices must ensure conservation of these species, consistent with the preceding section.

For all four species, certain basic initiatives on the part of State conservation agencies are likely to weigh in favor of an ESSA finding that export will not be detrimental. One set of such initiatives has been recommended to the ESSA by the Working Group:

Minimum Requirements for a Management Program

1. There should be a controlled harvest * * * methods and seasons to be a matter of State choice.

2. All pelts should be registered and marked.

3. Harvest level objectives should be determined annually.

These management initiatives appear to be basic and could weigh heavily in favor of a finding of no detriment by the ESSA. The ESSA must consider whether the "harvest level objective" is consistent with the conservation objective of the Convention, as discussed in the preceding section, and whether the controls result in a harvest approximating the harvest level objective. The recommendations also apply to American ginseng, except that greater administrative difficulties in monitoring harvest and identifying specimens suggest approaches differing from item number 2.

As indicated in the notice of March 16 (43 FR 11097), the ESSA will hold a hearing on May 1 concerning the matters discussed here, and will establish findings on detriment for 1978-1979 exports through proposed (approximately July 7) and final (approximately September 1) rulemakings in 1978, made on a State-by-State basis. The ESSA will consider all available biological and management information, whatever form it takes, in arriving at a final determination. However, establishment of comprehensive State management programs for these species along the lines recommended above would facilitate review by the ESSA, minimize paperwork for State agencies, and give the ESSA more flexibil-

ity in arriving at findings of no detriment. Certain States already have comprehensive programs for these species; their annual report on these programs may be sufficient to assure the ESSA that export from these States will not be detrimental to the species' survival.

Specific information requested on State populations. Certain specific information on biology and current management practices for these four species in affected States would be particularly useful to the ESSA in establishing findings on export for pelts and roots harvested in the coming season. The most important types of data are itemized below. The ESSA would appreciate information on any of these items, together with explanation of how the information was obtained.

Bobcat, Lynx, and River Otter

A. POPULATION ESTIMATES, INDICES, TRENDS, AND HABITAT

1. Statewide population estimate and distribution including methods used in estimating total population size (e.g. the time of year the estimate was made, and statistical parameters of the estimate, etc.), and data bases used.
2. The amount, quality, and distribution of available habitat, including data base and methods used in making estimates.
3. Trends in the amount and quality of available habitat that may account for trends in abundance and distribution of the animals, including data base for trends in population sizes.
4. Population studies and monitoring (including methods, sample sizes, and results). (a) Measures of local density carried out within State. (b) Measures of relative abundance used in field for monitoring population (including calibration to absolute density if available). (c) Other methods used to monitor populations or predict future population changes. (d) Other studies of the species carried out in State.

B. HARVEST DATA

1. Current and past harvest data.
2. Methods used in calculating harvest levels, including reporting systems, procedures used in gathering data, analysis methods, and statistical reliability.
3. Changes in reporting systems, predator control practices, management goals or programs, regulations, or harvest effort which may have affected harvest records.

C. MANAGEMENT

1. State agency with authority to manage species, and extent of that authority.
2. Classification of species by State agency and implications of that classification to management programs.
3. Current regulations for taking and possession of species. (a) Season(s). (b) Who may take (licensing requirements). (c) Dealer licensing. (d) Restrictions on taking method. (e) Open and closed areas. (f) Reporting and marking requirements. (g) Restrictions on transportation. (h) Presence or absence of local or other bounties. (i) Damage or predator control. (j) Special regulations for private lands.
4. Current harvest level objective, underlying and methods used in determining level, and relationship to current management goals, programs, and regulations.

American Ginseng

A. CURRENT AND PAST ABUNDANCE, RANGE, AND DISTRIBUTION INCLUDING TRENDS

1. The amount, quality, and distribution of habitat available to American ginseng, including its specific abiotic preferences (e.g. slope of the terrain, and soil type and pH), and plant associates.
2. Statewide abundance and distribution including the methods used in determining abundance, and data base for distribution.
3. Trends in the amount and quality of available habitat that may account for trends in abundance and distribution of the plant.

B. LIFE HISTORY INCLUDING REPRODUCTIVE BIOLOGY

1. Size and age composition of existing populations.
2. Phenology, including flowering and fruiting periods.
3. Variation of flower and fruit production as related to plant age.
4. Seed production, dormancy, viability, and dispersion.
5. Reproductive success including germination requirements and relation of seed predation to germination and dispersion.
6. Vegetative growth and dormancy including factors affecting root growth and dormancy.

C. HARVEST DATA AND MANAGEMENT

1. Collecting pressure, including trends in the number of collectors, collecting effort, quantity of roots harvested, and number of roots per pound harvested.
2. Harvest practices, including degree of adherence to traditional harvest methods (e.g. collecting season, age of plants harvested, and measures taken to conserve the wild plants).
3. State agency (agencies) with authority to manage species and extent of their authority.
4. Management practices by private landowners and Federal and State officials.

Publication of this notice has been approved unanimously by the Members of the Endangered Species Scientific Authority.

Dated: April 5, 1978.

William Y. Brown,
Executive Secretary, Endangered Species Scientific Authority.

[FR Doc. 78-9434 Filed 4-7-78; 8:45 am]

federal register

MONDAY, APRIL 10, 1978
PART IV

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

■

RECORDATION OF MINING CLAIMS AND FILING OF PROOF OF ANNUAL ASSESSMENT WORK OR NOTICE OF INTENTION TO HOLD MINING CLAIMS, MILL OR TUNNEL SITES

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3800]

RECORDATION OF MINING CLAIMS AND FILING OF PROOF OF ANNUAL ASSESSMENT WORK OR NOTICE OF INTENTION TO HOLD MINING CLAIMS, MILL OR TUNNEL SITES

Proposed Rulemaking

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: On January 27, 1977 (42 FR 5298) the Department of the Interior issued regulations to implement certain provisions of the Federal Land Policy and Management Act of 1976 requiring the recordation of unpatented mining claims located on the public lands. Based on comments received and experience gained since the implementation of the regulations, the Department now proposes amendments to simplify and clarify the procedures provided in the present regulations.

DATE: Comment by June 9, 1978.

ADDRESS: Send comments to: Director (210), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240. Comments will be available for public review in Room 5555 at the above address from 7:45 a.m. to 4:15 p.m. on regular working days.

FOR FURTHER INFORMATION CONTACT:

Robert C. Bruce, Division of Legislation and Regulatory Management, Bureau of Land Management, Washington, D.C. 20240, 202-343-8735.

SUPPLEMENTAL INFORMATION: Final rulemaking adding Subpart 3833—Recordation of Mining Claims and Filing Proof of Annual Assessment Work or Notice of Intention to hold Mining Claims was published on page 5298 of the FEDERAL REGISTER of January 27, 1977. The preamble to that rulemaking stated that the practical effects of the implementation of the final rulemaking would be observed and any revisions found necessary to improve the recordation procedure would be made. The purpose of this amendment is to carry out that pledge by revising a number of the existing provisions and by adding some new provisions.

A new paragraph is being added to § 3833.0-3, the authority section. This new language will make it clear that the filing fee required for each claim or site filed is imposed to satisfy the requirement placed on the Secretary of the Interior by section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other acts to establish and collect reasonable filing and service fees to reimburse the United States for reasonable costs with respect to applications and other documents relating to the public lands.

In the definitions section, § 3833.0-5, the term "owner" is amended to clarify who must file recordation notices or certificates, evidence of annual assessment work or notices of intention to hold and a notice of transfer of interest, an area of special concern. The purpose of the amendment is to preclude the interpretation that an individual having a remote possessory or other interest in or right to use the claim or site which was obtained from the person holding the paramount equitable title in a claim or site is an owner and has to file the required documents.

A second amendment to the definition section is a change in the term "Federal lands." We have deleted the reference to section 103 of the Federal Land Policy and Management Act of 1976 and made it clear that National Park Service System land is not included within the definition.

A third amendment in the definition section is a change in the term "proper BLM office." The change conforms the rulemaking to the provisions of § 1821.2-1(d) of Title 43 CFR. The original rulemaking required the filing of documents in the State Offices of the Bureau of Land Management. This created some problems in Alaska where the Fairbanks Office is on equal footing with the State Office in Anchorage for the filing of documents.

A forth amendment to the definitions section is in the definition of "date of location." The change is being made to avoid a conflict with court interpretations of the term. In accordance with the Act of May 10, 1872 (30 U.S.C. 28), all recordation notices or certificates filed must contain the date of location of the claim. In recognition of that provision, the Department will consider as the date of location the date shown on recorded certificates or notices by the owner or locator. The actual date of location will be left to the determination of the courts if there is disagreement between adverse claimants.

Section 314 of the Federal Land Policy and Management Act requires that a copy of the official record of the location notice or certificate be filed with the Bureau of Land Management. In order to make clear what an official copy is, we have completely revised the definition of that term. The revised definition is meant to accommodate any filing which is functional for Bureau of Land Management purposes and has been or will be recorded in the county or other local jurisdiction.

We have amended § 3833.1-2(a) to bring it into conformance with the new definition of Federal lands. We also inserted words to make it clear that the location document for all claims located on or before October 21, 1976, must be filed on or before October 22, 1979.

Several changes are being made in § 3833.1-2(c) which calls for supplemental information to be filed with the location notice or certificate. Paragraph (2) is being deleted because the information required will normally be shown on the face of the official copy of the recordation notice or certificate or can be easily obtained by contacting the local recording office. Paragraph (10) is also being deleted because the requirement is adequately covered in other parts of the rulemaking. Paragraphs (7) and (8) are being combined into one paragraph and renumbered (6). The two descriptions presently required are based on two needs for recording. In addition to the need for a legal description based on the public land survey that will permit inclusion of the claim in records of the Bureau of Land Management, there is need for a description that is sufficient to identify and locate the claimed land on the ground. A study of paragraphs (7) and (8) showed that the information requested was more than needed. Therefore, information requested has been simplified and the entire provision incorporated into one paragraph. The new requirement is for either a map, sketch or narrative description of the location of the claim which is referenced by an appropriate tie to some topographic, hydrographic or manmade feature.

Section 3833.1-2(d) has been amended to add language requiring any document that must be accompanied by a fee to be returned if the fee is not submitted with the document.

We have amended § 3833.1-3 to provide a date of recordation for those persons who are not required to record their claim. This date is needed so that a claimant who does not have to record will know when he must file his evidence of assessment work/notice of intention to hold a claim as required in § 3533.2 of this part. Inasmuch as this was omitted from the earlier publication and claimants had no way of determining the date on which they must file evidence of assessment work/notice of intent to hold a claim, we cannot enforce this provision for 1977. Whether or not this rule is finally adopted, the filing requirement for evidence of assessment work/notice of intent to hold a mining claim will be enforced for 1978 and subsequent years.

Several changes have been made to § 3833.2. The word "site" has been added to the title of § 3833.2. We have also included a number of changes in § 3833.2-1, all of which are clarifying. Section 3833.2-1(a)(1) has several

clarifying amendments that make no substantive change in the section. We have deleted §§ 3833.2-1(a)(2) and 3833.2-1(b)(2) and combined them in renumbered § 3833.2-1(d), which we believe is clearer as to the requirements for the recordation of mill sites and tunnel sites. We have also added language to § 3833.2-1(a)(3), which has been renumbered § 3833.2-1(b), to make it clear that recordation of a mining claim in a National Park under the Park Service rulemaking will be in compliance with section 314 of the Federal Land Policy and Management Act. Finally, we have renumbered § 3833.2-1(b)(1) as § 3833.2-1(c) and made a minor language change.

Section 3833.2-2 (a) and (b) and 3833.2-3(a) have been changed to make it clear that the affidavit of assessment work, the detailed report of geological survey or the notice of intention to hold an unpatented mining claim whichever is chosen, filed with the Bureau of Land Management must be an exact copy of the document filed or to be filed with the local jurisdiction. This is a requirement of section 314(a)(1) of the Federal Land Policy and Management Act. The amendment will require the filing of an exact copy of an affidavit of assessment work that has already been or will be filed with the State by December 31 of each year with the Bureau of Land Management, even if the State law permits a later filing. In some instances this will require a filing with a State prior to the time required under State law, but the claimant must comply with the provisions of the Act. When a notice of intention to hold a mining claim is used, it must also be recorded in the local jurisdiction if it is to comply with the act and these regulations.

Several people commented on the need to clarify § 3833.2-3. Even though for many claims there is no legal requirement to complete assessment work until the second calendar year after location, we have amended this rulemaking to require a notice of intention to hold an unpatented mining claim in the first calendar year after said claims are located. We have also included language that clarifies what action should be taken by a mining claimant who has been granted a deferment of the annual assessment work requirement.

A new paragraph (b) has been added to § 3833.2-3 to include tunnel and mill sites in the coverage of a notice of intention to hold. The new paragraph sets out the information that will be required in a notice of intention to hold for a tunnel or mill site. Without the amendment, the section only applied to unpatented mining claims.

Section 3833.4(a) has been amended to allow the Bureau of Land Management to notify the claimant that his instrument of recordation does not contain an acceptable description or a date of location and give him 30 days to provide such information before his claim is deemed abandoned.

Section 3833.5(b) has been amended to state that these regulations do not alter State or other Federal law relating to the actual performance of assessment work. As stated earlier, the regulations do to some degree affect State law as it relates to the filing of documents showing that the assessment work has been accomplished.

An amendment is being made to § 3833.5(c), including affidavits of annual assessment work, to make it clear that only those affidavits and notices or certificates of location which are specifically marked as being located pursuant to the provisions of the Act of April 8, 1948, (62 Stat. 162) and the Act of August 11, 1955, (30 U.S.C. 621-625) will be accepted as meeting the requirements of both those laws and the Federal Land Policy and Management Act.

Section 3833.5(d) is being revised to remove the mandatory requirement for publication in every contest proceeding. There will be instances when it is clear that all parties to a contest proceeding have been personally served and there is no need for publication. This change is made in recognition of that fact. Furthermore, the section is made specifically applicable to unpatented mining claims, mill or tunnel sites located after October 21, 1976, and to claims or sites located on or prior to that date which have been recorded pursuant to § 3833.1-2. The final regulations as published in the FEDERAL REGISTER of January 27, 1977, indicated that diligent search and inquiry would require a search only of the records in the proper BLM office for all claims, no matter when located. Thus, in contests involving mining claimants who are not required by the Act to record until October 22, 1979, the present regulations require only search of BLM files and publication. In order to correct any possible due process infirmities, the proposed amendments delete the limited search provisions for contests involving claimants who located their claim or site prior to October 21, 1976, and who have not recorded. For this limited class of claimants, the Department will continue its practice of examining both BLM and state records.

A new paragraph (f) has been added to § 3833.5 to put the public on notice that inaction by the government or failure to notify claimants at the time of filing that their claims are situated on lands which are not open to location will not stop the government from later challenging that claim.

Finally, a new paragraph (g) has been added to § 3833.5 to make it clear that anyone who knowingly files a false, fictitious or fraudulent statement or entry may be subject to criminal penalties.

The principal author of this amendment is Craig Hall, Branch of Mining, Division of Mineral Resources, assisted by staff of the Division of Mineral Resources and the Division of Legislation and Regulatory Management.

It is hereby determined that the publication of this amendment is not a major Federal action significantly affecting the quality of human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

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

In making comments, suggestions, or objections to this proposed rulemaking, the public is requested to raise any problems they have had with the final rulemaking on recordation of mining claims along with suggested amendments. These will be studied before final rulemaking is issued and will assist us in improving the recordation regulations.

Under the authority of section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744), it is proposed to amend Part 3830, Group 3800, Subchapter C, Title 43 of the Code of Federal Regulations as set forth below:

Subpart 3833—Recordation of Mining Claims and Filing Proof of Annual Assessment Work or Notice of Intention to Hold Mining Claims, Mill or Tunnel Sites.

Sec.

* * * * *

3833.2 Evidence of assessment work/notice of intention to hold claims, or site.

* * * * *

3833.2-3 Form—notice of intention to hold claim or site.

* * * * *

§ 3833.0-3 Authority.

* * * * *

(e) The Act of August 31, 1951 (31 U.S.C. 483a) and section 304(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

* * * * *

§ 3833.0-5 Definitions.

* * * * *

(e) "Owner" means the person who is the holder of the right to sell or transfer all or any part of the unpa-

tented mining claim, mill or tunnel site. The owner shall be identified by the individual filing the instruments required by these regulations by a notation on those instruments.

(f) "Federal lands" means any lands or interest in lands owned by the United States, except lands within units of the National Park System, which are subject to location under the General Mining Law of 1872, supra, including, but not limited to, those lands within forest reservations in the National Forest System and wildlife refuges in the National Wildlife Refuge System.

(g) "Proper BLM office" means the Bureau of Land Management office listed in § 1821.2-1(d) of this title as having jurisdiction over the area in which the lands subject to these regulations are located.

(h) "Date of location" or "located" means the date indicated by the locator as the date of location or date of posting of the notice of location on the certificate or notice of location recorded pursuant to State law in the local jurisdiction in which the unpatented mining claim, mill or tunnel site is situated, or if State law does not require the recordation of a notice or certificate of location of a claim or site, the date indicated by the owner in the certificate filed under § 3833.1-2 as the date of location.

(i) "Copy of the official record of the notice of certificate of location" means an exact reproduction or duplicate, except microfilm, of the original instrument of recordation of an unpatented mining claim, mill or tunnel site which was filed in the local jurisdiction where the claim or site is located or other evidence, acceptable to the proper BLM office, of such instrument of recordation. It also includes an exact reproduction, duplicate or other acceptable evidence, except microfilm, of an amended instrument which may change or alter the description of the claim or site.

* * * * *

§ 3833.1-2 Manner of recordation—Federal lands.

(a) The owner of an unpatented mining claim, mill site or tunnel site located on or before October 21, 1976, on Federal lands, shall file (file shall mean being received and date stamped by the proper BLM office), on or before October 22, 1979, a copy of the official record of the notice or certificate of location of the claim or site filed under state law, or, if state law does not require the recordation of a notice or certificate of location of the claim or site, a certificate of location containing the information in paragraph (c) of this section.

* * * * *

(c) * * *

(1) The name or number of the claim, or both, if the claim has both;

(2) The name and current mailing address, if known, of the owner or owners of the claim;

(3) The type of claim;

(4) The date of location;

(5) For all claims or sites located on surveyed or unsurveyed lands, a description shall be furnished. This description shall recite the section(s), the approximate location of all or any part of the claim or site within a 160 acre quadrant of the section (quarter section) or sections, if more than one is involved. In addition, there must be furnished the township, range, meridian and State obtained from an official survey plat or other U.S. Government map showing either the surveyed or protracted U.S. Government grid, whichever is applicable;

(6) For all claims or sites located on surveyed or unsurveyed land, either a map, subject to approval by the proper BLM office, with a scale of not less than ¼ inch to a mile on which there shall be depicted the location of the claim or site, or a narrative or sketch describing the claim or site or group of claims or sites with reference by appropriate tie to some topographic, hydrographic or man-made feature. Such map, narrative description or sketch shall set forth the boundaries and positions of the individual claim or site or group of claims or sites with such accuracy as will permit the authorized officer of the agency administering the lands or the mineral interests in such lands to identify and locate the claim on the ground. Contiguous claims or sites or groups of claims or sites in the same general area may be depicted on a single map or described in a single narrative or sketch, so long as the individual claims or sites are clearly identified; and

(7) Nothing in the requirements for a map and description found in this section shall require the owner of a claim or site to employ a professional surveyor or engineer.

(d) Each claim or site filed shall be accompanied by a $5 service fee which is not returnable. A notice or certificate of location will not be accepted if it is not accompanied by the service fee and will be returned to the owner.

§ 3833.1-3 When recordation not required.

If the owner of an unpatented mining claim or mill site had on file in the proper BLM office on October 21, 1976, an application for a mineral patent which complies with Part 3860 of this title, except the requirements for publication and payment of purchase price (43 CFR 3862.4), or if the owner of an unpatented mining claim or mill site located on or before October 21, 1976, files in the proper BLM office an application for a mineral patent, as described above, on or before October 22, 1979, the filing of the application will be deemed full compliance with the recordation requirements of section 314(a) of the Act and the owner of that claim or site shall be exempt from the filing requirements of § 3833.1. For purposes of complying with the requirement of § 3833.2-1(a)(1), the date of recordation in the proper BLM office shall be October 21, 1976, for claims included in mineral patent applications on file as of that date and the date on which the application was actually filed for all other claims.

* * * * *

§ 3833.2 Evidence of assessment work-notice of intention to hold a claim or site.

§ 3833.2-1 When filing required.

(a) The owner of an unpatented mining claim located on Federal lands on or before October 21, 1976, shall file in the proper BLM office on or before October 22, 1979, or prior to December 31 of each calendar year following the calendar year of such recording, which ever date is sooner, evidence of annual assessment work performed during the preceding assessment year or a notice of intention to hold the mining claim.

(b) The owner of an unpatented mining claim located within the boundaries of units of the National Park System must comply with the requirements of 35 CFR 9.5(d) for annual filing and copies of all those annual filings received by the National Park Service pursuant to that regulation will be given by the National Park Service to the proper BLM office. Compliance with the requirements of that regulation will be deemed full compliance with the requirements of section 314 of the Act for all owners of unpatented mining claims located in any unit of the National Park System.

(c) The owner of an unpatented mining claim located on Federal lands after October 21, 1976, shall, prior to December 31 of each calendar year following the calendar year in which such claim was located, file in the proper BLM office evidence of annual assessment work performed during the previous assessment year or a notice of intention to hold the mining claim.

(d) The owner of a mill or tunnel site located on Federal lands shall file in the proper BLM office prior to December 31 of each year following the year of recording pursuant to § 3833.1-2 of this title, a notice of intention to hold the mill or tunnel site.

§ 3833.2-2 Form—evidence of assessment work.

Evidence of annual assessment work shall be in the form of either;

(a) An exact reproduction or duplicate, except microfilm, of the affidavit of assessment work performed which was filed for record pursuant to section 314(a) of the Act in the local jurisdiction of the State where the claim or group of contiguous claims is located and recorded setting forth the following additional information:

* * * * *

(b) An exact reproduction or duplicate, except microfilm, of the detailed report concerning geological, geochemical and geophysical surveys provided by the Act of September 2, 1958 (30 U.S.C. 28-1) and filed for record pursuant to section 314(a)(1) of the Act in the local jurisdiction of the State where the claim or group of contiguous claims is located and recorded setting forth the following additional information:

* * * * *

§ 3833.2-3 Form—notice intention to hold claim or site.

(a) A notice of intention to hold a mining claim or group of contiguous mining claims shall be in the form of either (1) an exact reproduction or duplicate, except microfilm, of a letter signed by the owner of a claim or his agent filed for record pursuant to section 314(a)(1) of the Act in the local jurisdiction of the State where the claim is located and recorded setting forth the following information:

(i) The serial number assigned to each claim by the authorized officer upon filing in the proper BLM office of a copy of the official record of the notice or certificate of location;

(ii) Any change in the mailing address, if known, of the owner or owners of the claim;

(iii) A statement that the claim is held and claimed by the owner(s) for the valuable mineral contained therein;

(iv) A statement that the owner(s) intend to continue diligent exploration or development of the claim; and

(v) The reason that the performance of annual assessment work is not required by law and the filing of an affidavid of assessment work is not possible or that physical, legal or other impediments beyond the control of the owner(s), have prevented the filing of an affidavit of assessment work performed or a detailed report of geological, geochemical or geophysical survey under § 3833.2-2, or

(2) The decision on file in the proper BLM office which granted a deferment of the annual assessment work required by 30 U.S.C. 28, so long as the decision is in effect on the date required for filing a notice of intention to hold a mining claim under § 3833.2-1.

(b) A notice of intention to hold a mill or tunnel site(s) shall be in the form of a letter signed by the owner of owners of such sites or their agent setting forth the following information:

(1) The serial number assigned to each site by the authorized officer upon filing in the proper BLM office of a copy of the official record of the notice or certificate of location;

(2) Any change in the mailing address, if known, of the owner or owners of the site(s); and

(3) In the case of mill sites, a statement that a claim-related site is being used for mining or milling purposes or that an independent mill site is being used for the purposes of a quartz mill or reduction works; or

(4) In the case of tunnel sites, a statement that the owner(s) will continue to prosecute work on the tunnel with reasonable diligence for the development of the vein or lode.

§ 3833.4 Failure to file.

(a) The failure to file an instrument required by §§ 3833.1-2(a), (b), and 3833.2-1 within the time periods prescribved therein, shall be deemed conclusively to constitute an abandonment of the mining claim, mill or tunnel site and it shall be void. Failure to file a description acceptable to the proper BLM office under § 3833.1-2(c)(6) or a date of location under § 3833.1-2(c)(4) within 30 days of receipt of notification of failure to provide a satisfactory description or date of location, shall be deemed conclusively to constitute an abandonment of the mining claim, mill or tunnel site and it shall be void.

* * * * *

§ 3833.5 Effect of recording and filing.

* * * * *

(b) Nothing in this subpart shall be construed as a waiver of the assessment work requirements of section 2324 of the Revised Statutes, as amended (30 U.S.C. 28). Compliance with the requirements of this subpart shall be in addition to and not a substitute for compliance with the requirements of section 2324 of the Revised Statutes and with laws and regulations issued by any State or other authority relating to performance of annual assessment work.

(c) Filing of instruments pertaining to mining claims under other Federal law with the BLM or other Federal agency will not excuse the filings required by this subpart and filings under this subpart will not excuse the filing of instruments pertaining to mining claims under any other Federal law, except that filing a notice or certificate of location or an affidavit of annual assessment work under this subpart which is marked by the owner as also being filed under the Act of April 8, 1948 (62 Stat. 162) or the Act of August 11, 1955 (30 U.S.C. 621-625), will satisfy the recording requirement for O & C lands under 43 CFR subpart 3821 and Pub. L. 359 lands under 43 CFR Part 3730, or as provided in § 3833.2-1(b) of this subchapter.

(d) In the case of any action or contest affecting an unpatented mining claim, mill or tunnel site, only those owners who have recorded their claim or site pursuant to § 3833.1-2 or filed a notice of transfer of interest pursuant to § 3833.3, will be considered by the United States as parties whose rights are affected by such action or contest and will be personally notified. All methods reasonably calculated to insure that those parties receive actual notice of the action or contest will be employed. If those methods are not successful, the interested parties will be notified by publication in accordance with 43 CFR 4.450. Owners who have not recorded a claim or site or filed a notice of transfer will not be personally served and will be bound by any contest proceeding even though they have not been personally served. This section applies to all unpatented mining claims, mill or tunnel sites located after October 21, 1976, and will apply to such claims or sites located on or before October 21, 1976, only after they have been recorded pursuant to § 3833.1-2 of this title.

(f) Failure of the government to notify an owner upon his filing or recording of a claim or site under this subpart that such claim or site is located on lands not subject to location or otherwise void for failure to comply with Federal or State law or regulations shall not prevent the government from later challenging the validity of or declaring void such claim or site in accordance with due process of law.

(g) Any person who files an instrument required by these regulations knowing the same to contain any false, fictitious or fraudulent statement or entry, may be subject to criminal penalties under 18 U.S.C 1001.

GUY R. MARTIN,
Assistant Secretary of the Interior.

APRIL 5, 1978.

[FR Doc. 78-9486 Filed 4-7-78; 8:45 am]

federal register

MONDAY, APRIL 10, 1978
PART V

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

WATERFRONT FACILITIES

Advanced Notice of Proposed Rulemaking

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 126, 154, 156]

[CGD 77-128]

WATERFRONT FACILITIES

Advance Notice of Proposed Rulemaking

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of Proposed rulemaking.

SUMMARY: The Coast Guard invites public participation at the earliest stages in the development of new waterfront facilities regulations. Present regulations have not kept abreast of changing technologies and industry practices. Separate regulatory parts address facility environmental and safety matters. It is proposed that a single waterfront facilities regulatory package be developed to address both environmental and safety issues in a manner reflecting existing technologies and industry practices.

DATES: 1. Comments must be received on or before August 1, 1978. 2. Public Meetings: The Coast Guard will hold three public meetings concerning this proposal. The first will be held on May 11, 1978, beginning at 9:30 a.m. in New York, New York. The second will be held on May 22, 1978, beginning at 9:30 a.m. in Long Beach, California. The third will be held on May 25, 1978, beginning at 9:30 a.m. in Houston, Tex.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G- CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Public meetings will be held at the following locations:

May 11, 1978, 9:30 a.m., Great Hall, New York Chamber of Commerce and Industry, 65 Liberty St., New York, N.Y.

May 22, 1978, 9:30 a.m., Flamingo Room, on Board the Queen Mary Hyatt Hotel, Long Beach, Calif.

May 25, 1978, 9:30 a.m., Houston Host International Hotel, Room 747A, Houston, Tex.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander, Edward H. Bonekemper, III, Port Safety Branch (G-WLE-1/73), Room 7319C, U.S. Coast Guard, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1927.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 77-128) and the specific sections of the proposal to which their comments apply, and give the reasons for their comments. All comments received will be considered before further rulemaking action is taken on this proposal. Notices of proposed rulemaking will be published, and further opportunity for comment will be provided before final action is taken.

Drafting Information

The draft materials contained in this advance notice rely heavily upon recommendations by the Coast Guard's Chemical Transportation Industry Advisory Committee (CTIAC) and its Liquefied Gas Facilities and Bulk Liquid Facilities Subcommittees. This advance notice has been drafted by the Coast Guard's Waterfront Facilities Task Force, which consists of: LCDR Edward H. Bonekemper, III, Coordinator, LCDR John G. Busavage, LCDR Robert T. Luckritz, LCDR George J. Buffleben, Jr., LCDR T. Roger Pike and LT G. Alex Weller. The principal persons involved in drafting this proposal are LCDR Edward H. Bonekemper, III, Project Manager, Office of Marine Environment and Systems, and Stanley M. Colby, Project Counsel, Office of the Chief Counsel.

Discussion of The Proposed Regulations

This advance notice contains a preliminary draft of proposed regulations which would apply to all waterfront facilities. It must be emphasized that these are preliminary draft regulations designed to stimulate comment and thoughtful suggestions by raising a variety of issues. No effort has been made to structure these proposals within the outline proposed in this preamble because both the proposals and the outline are intended as tentative suggestions of possible approaches which might be taken. The Coast Guard seeks to avoid being committed to any particular approach during this conceptual stage. Even where detailed specific proposals (such as lighting standards, hose pressures, etc.) are presented, this is being done solely to generate more comment and more informed comment concerning them.

Existing Coast Guard waterfront facility safety regulations in 33 CFR Part 126 were issued in the 1950s and 1960s under the authority of the Magnuson Act (50 U.S.C. 191). Although some sections were revised in 1970, many have remained unchanged since the early 1950s. As a result, they do not take into account such intervening developments as the growth of a massive intermodal container industry; use of new types of vessels (ro-ro, lash, container, etc.); the rapid increase in number and complexity of petrochemical facilities; and the transportation, stowage, and handling of a wide variety of new hazardous chemicals and dangerous cargoes.

Significant legal and regulatory developments also have occurred during the years since most of these existing regulations were issued. Among these are the passage of the Ports and Waterways Safety Act, (86 Stat. 424, 33 U.S.C. 1221-7) the Federal Water Pollution Control Act (86 Stat. 862, as amended, 33 U.S.C. 1321) and the Transportation Safety Act (which includes the Hazardous Materials Transportation Act) (88 Stat. 2156, 49 U.S.C. 1801 et seq.). Existing facility safety regulations in 33 CFR Part 126 also do not reflect the issuance of the Coast Guard's own pollution prevention regulations (33 CFR Parts 154-156) and the "packaged" hazardous materials regulations (49 CFR Parts 170-189) of the Materials Transportation Bureau's Office of Hazardous Materials Operations.

It is intended to take into account these technological, statutory, and regulatory developments in the rewriting of 33 CFR Part 126. This will necessitate addressing each type of facility in considerable detail, which in itself will represent a significant change from the rather brief provisions of Part 126. (Incidentally, the Ports and Waterways Safety Act provides that state and local governments may prescribe even higher safety equipment requirments or safety standards for waterfront facilities than might be prescribed by the Coast Guard.)

Another contemplated change should benefit facility owners and operators by making the regulations more usable. At present the Coast Guard's safety and security regulations for waterfront facilities are in 33 CFR Part 126 while its facility environmental protection regulations for the prevention of oil pollution are in 33 CFR Parts 154 and 156. Although the oil pollution prevention regulations (33 CFR Parts 154-156) themselves are currently being updated (See Notice of Proposed Rulemaking in the June 27, 1977 issue of the Federal Register (42 CFR 32670)), the facility portions of those regulations eventually will be moved to 33 CFR Part 126. Thus, a facility owner or operator will be able to find all Coast Guard safety, security, and environmental regulations for waterfront facilities in a single CFR Part.

The Coast Guard's Waterfront Facilities Task Force has prepared the following proposed outline for the new facilities regulations, and it is set forth here for comment:

Subpart	Sections	
A	126.0001-.0999	General facility requirements.
B	126.1001-.1999	Bulk liquid facilities.
C	126.2001-.2999	Liquefied gas facilities.
D	126.3001-.3999	Bulk solids facilities.
E	126.4001-.4999	Container facilities.
F	126.5001-.5999	Break bulk facilities.
G	126.6001-.6999	Explosives facilities.
H	126.7001-.7999	Other facilities.

Each subpart above will contain sections grouped into the following categories:

.—001 General
.—101 Definitions
.—201 Design, Construction and Equipment
.—301 Fire Protection
.—401 Maintenance
.—501 Inspection and Tests
.—601 Records
.—701 Operations
.—801 Facility Security
.—901 Personnel Qualifications and Training

A separate regulatory subpart package is contemplated for each of the types of facilities itemized above. As indicated, there would be a parallel organization within each of the subparts. Each of the subparts will be developed simultaneously under the direction of the Task Force. The general regulations subpart will be developed first. Then each of the other subparts will be the subject of separate notices of proposed rulemaking. The timing of each of them will depend upon several factors, including the extent of public comment, resources available to draft them, and complexity of coordination with other agencies.

Persons familiar with LNG facilities are aware that the Office of Pipeline Safety Operations (OPSO) of the Materials Transportation Bureau on April 21, 1977 (42 CFR 20776) issued an advance notice of proposed rulemaking concerning safety of LNG facilities used in connection with pipeline transportation. The Coast Guard has also been working on a regulations package for LNG facilities under the authority of the Ports and Waterways Safety Act of 1972. In order to eliminate overlapping of, and conflicts between, these two sets of regulations and to assist the owners and operators of LNG facilities which would be subject to both Coast Guard and OPSO regulation, a Memorandum of Understanding between the two agencies was signed in February 1978. This Memorandum provides for the division of areas of responsibility between the two agencies. Thus, it is possible, that Coast Guard General Facilities Regulations may not apply to all portions of LNG waterfront facilities. A separate ANPRM concerning such facilities will be published in the near future.

The general regulations subpart may contain a definitions section and regulations applicable to all waterfront facilities. To carry out the purposes of the Ports and Waterways Safety Act and the Federal Water Pollution Control Act, under the authority of which these regulations would be issued, such terms as "waterfront facilities" and "shore area" may be defined broadly.

Numerous potential sources of information are being tapped in order to make these proposed regulations as realistic and responsive as possible. Among these sources are National Transportation Safety Board reports, Captain of the Port reports of unusual occurrences, information and opinion being submitted by Coast Guard District Commanders and Captains of the Port, national consensus standards (NFPA, ANSI, etc.), and CTIAC's subcommittees on liquefied gas facilities, bulk liquid facilities, and breakbulk and container facilities. (Meetings of CTIAC and its subcommittees have been announced in advance in the FEDERAL REGISTER.) Further comment is sought from state and local governments, marine and other industry representatives, port and harbor authorities, environmental groups, and other interested parties.

The Coast Guard has made a tentative decision to incorporate by reference consensus standards throughout the waterfront facility regulations when those standards are sufficient to provide appropriate safety or environmental protection. Partial incorporation and incorporation with exceptions also are contemplated. Additional Coast Guard requirements may be imposed. Comments are solicited concerning which, if any, national consensus standards should be adopted and the environmental and economic impact of such adoption.

The Coast Guard is required to evaluate the economic impact of the rules actually proposed. To satisfy this obligation and to produce reasonable rules, it is important that economic issues of benefits and costs be addressed in general and in specific cases. Primary concern should be on additional benefits and costs that will be generated by the proposed rules, but attention can be given to the absolute level of benefits and costs. The Coast Guard hopes to develop comprehensive waterfront facility safety, security, and environmental protection regulations which can achieve those purposes at a reasonable cost to industry, consumers, and government. Thus, comments contributing to cost/benefit analyses and suggesting economical, efficient, but effective regulatory approaches will be most helpful. Such information includes number and location of facilities affected, quantities of hazardous and other materials affected, the scope and degree of safety and environmental hazards, the extent to which the proposed regulations reduce the risks associated with storing and handling hazardous and other materials, time and costs required for compliance (equipment, personnel training, procedures, etc.), local practices and customs, and effects upon facility productivity, efficiency, and profits. Economists, Dr. Robert N. Stearns and Dr. James F. Veatch, of the Ports and Waterways Planning Staff can be consulted on what kinds of data and evaluations would be most useful 202-426-2262.

Also useful would be comments on the possibility of utilizing concepts now found in the oil pollution prevention regulations, 33 CFR 154-156 (such as persons in charge, declarations of inspection, letters of intent, and operations manuals), as models for regulating all waterfront facilities. The definitions of "waterfront facility" and "shore area" should be carefully analyzed. Comment is sought on whether the term "waterfront structure" should be substituted for "waterfront facility." In addition, the issue of siting of waterfront facilities requires consideration. Comment is sought on siting of facilities, particularly the role of the Coast Guard and factors to be taken into consideration before the site of a facility is approved.

Consideration is also being given to a segregation table for stowage of hazardous materials on facilities. At present, no segregation is specified for waterfront warehouse, container staging and storing areas, or container barge fleeting areas. Segregation requirements would be similar to those vessels currently in 49 CFR 176. Comments on segregation for facilities would be very useful.

It is the intention of the Coast Guard to avoid overlap with any other federal regulations and to avoid any conflicts or gaps. Comments are solicited on any existing or potential gaps or overlaps between these proposed Coast Guard regulations and those of any other governmental agency.

Information, comments, and opinions concerning environmental and economic impacts and any other facet of any of the matters mentioned in this advance notice would be of assistance to the Coast Guard and its Task Force in developing detailed, coordinated, and updated waterfront facilities regulations.

The following is the outline for the General Facilities regulations.

Subpart A—General Facility Requirements

APPLICATION AND ENFORCEMENT

Sec.	
126.0010	Application.
126.0020	Purpose.
126.0030	Definitions.
126.0040	Enforcement.
126.0045	Suspenion of transfer operations.
126.0050	Waiver authority.
126.0055	Letter of intent.
126.0060	Use permit.
126.0065	Inspections.

Sec.
126.0070 Appeals.
126.0090 Adoption of standards.

DESIGN, CONSTRUCTION, AND EQUIPMENT

126.0105 Quality assurance.
126.0110 Pier construction.
126.0120 Protection of equipment.
126.0125 Means of access.
126.0130 Sewers, trenches, and drains.
126.0150 Electical power system.
126.0160 Lighting system.
126.0170 Warning alarms.

FIRE PROTECTION AND SAFETY EQUIPMENT

126.0510 Fire control systems.
126.0520 Fire protection system.
126.0530 Automotive fire apparatus.
126.0535 Fire mains.
126.0540 Fire main piping.
126.0545 Hydrants, hoses, sprinklers and monitor stations.
126.0546 Sprinkler systems.
126.0550 Dry chemical systems.
126.0551 Foam system.
126.0552 Water deluge systems.
126.0555 Personnel emergency equipment.
126.0560 Maintenance of equipment.

SECURITY

126.0600 Security requirements.

PERSONNEL

126.0710 Personnel requirements.
126.0720 Person in charge.
126.0730 Training.

OPERATIONS

126.0810 General operations requirements.
126.0811 Person in charge: evidence of designation.
126.0812 Compliance with Operations Manual.
126.0813 Compliance with suspension order.
126.0821 Operations Manual: contents.
126.0823 Operations Manual: amendments
126.0826 Operations Manual: availability.
126.0831 Emergency manual: general.
126.0832 Emergency manual: contents.
126.0841 Smoking
126.0842 Motor vehicles
126.0843 Pier automotive equipment
126.0844 Rubbish and waste materials
126.0845 Maintenance of stores and supplies.
126.0846 Arrangement of cargo, freight, merchandise, and material.

RECORDS

126.0905 Inspection and maintenance.
126.0910 Personnel records.

AUTHORITY: 86 Stat. 427 (33 U.S.C. 1224); 86 Stat. 816, 868 (33 U.S.C. 1321 (j)(1)(C)); 49 CFR 1.46(n)(4) and (1).

Subpart A—General Facility Requirements

APPLICATION AND ENFORCEMENT

§ 126.0010 Application.

This part applies to waterfront facilities which handle, load, discharge, store, stow, transfer, or move hazardous materials.

§ 126.0020 Purpose.

(a) The intent of this part is to insure that waterfront facilities are designed, constructed, and equipped in a manner suitable for the purpose intended. It is further intended that all equipment be installed and maintained in such manner as to afford adequate protection against fire, explosion, equipment failure, and personnel injury.

(b) This part establishes requirements for the handling, storage, loading, and unloading of hazardous materials and for periodic facility inspections to determine compliance with and to enforce the standards in this part.

§ 126.0030 Definitions.

As used in this part:

"Captain of the Port" (COTP) means the U.S. Coast Guard officer commanding a Captain of the Port Area described in Part 3 of this chapter, or the COTP's authorized representative, or where there is no Captain of the Port Area, a District Commander.

"Commandant" means the Commandant of the Coast Guard or the Commandant's authorized representative.

"Discharge" includes but is not limited to any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"District Commander" means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District, as described in Part 3 of this chapter, or the District Commander's authorized representative.

"Dock area" means the area at which a vessel moors or at which a loading or discharging operation takes place.

"Facility" means waterfront facility.

"Facility operator" means the person who owns, operates, or is responsible for the operation of the facility.

"Fired equipment" means any equipment in which the combustion of fuels takes place, such as fired boilers, fired heaters, internal combustion engines, certain integral heated vaporizers, gas fired oil foggers, fired regeneration heaters, and flared vent stacks.

"Hazardous material" means any article, chemical, material, or cargo included in any of the following:

(a) 46 CFR Subchapter D (bulk liquid and gases);

(b) 46 CFR Subchapter O (bulk liquids and gases);

(c) 46 CFR Part 146 (military explosives);

(d) 46 CFR Part 148 (bulk solids);

(e) 49 CFR 172.101 ("packaged" hazardous materials);

(f) 33 CFR 124.14 (cargos of particular hazard);

(g) oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoils; or

(h) The following chemicals:

Acetyl tributyl citrate
Acrylamide solution (50 percent or less)
Alkyl benzene sulfonic acid
Aluminum fluoride
Aluminum sulfate
Ammonium acetate
Ammonium benzoate
Ammonium bicarbonate
Ammonium bisulfite
Ammonium bromide
Ammonium carbonate
Ammonium chloride
Ammonium chromate
Ammonium citrate, dibasic
Ammonium fluoborate
Ammonium hypophosphite
Ammonium iodide
Ammonium oxalate
Ammonium pentaborate
Ammonium persulfate
Ammonium phosphate, urea, water solutions
Ammonium silicofluoride
Ammonium sulfamate
Ammonium sulfite
Ammonium tartrate
Ammonium thiocyanate
Ammonium thiosulfate
Antimony tribromide
Antimony trifluoride
Antimony trioxide
Arsenic disulfide
Arsenic trisulfide
Benzene, toluene, xylene mixture
Benzoic acid
Benzonitrile
Beryllium chloride
Beryllium fluoride
Beryllium nitrate
Butyl methacrylate, decyl methacrylate, cetyl eicosyl methacrylate mixture
Butylamine
Cadmium acetate
Cadmium bromide
Cadmium chloride
Calcium alkyl salicylate
Calcium chromate
Calcium hydroxide
Captan
Cetyl eicosyl methacrylate
(Mono-) Chlorodifluoromethane
Chlorotoluene
2- or 3- Chloropropionic acid
Chromic acetate
Chromic sulfate
Chromous chloride
Cobaltous bromide
Cobaltous fluoride
Cobaltous formate
Cobaltous sulfamate
Coumaphos
Cupric acetate
Cupric formate
Cupric glycinate
Cupric lactate
Cupric nitrate
Cupric oxalate
Cupric subacetate
Cupric sulfate
Cupric sulfate, ammoniated
Cupric tartrate
Cuprous bromide
Cycloaliphatic resins
Cyclohexanone
Cyclohexylamine
2,4-D (esters)
Dalapon
(Iso-) Decyl acrylate
Dibutylamine
Dicamba
Dichlone
1,1-Dichlorethane
Diphenyl methane diisocyanate
Diquat
Disulfoton

Diuron
Dodecylamine, tetradecylamine mixture
Dodecyl diphenyl oxide disulfonate solution
Dodecylbenzenesulfonic acid
Dodecylbenzenesulfonic acid, calcium salt
Dodecylbenzenesulfonic acid, isopropanolamine salt
Dodecylbenzenesulfonic acid, sodium salt
Dodecylbenzenesulfonic acid, triethanolamine salt
Dursban
Endosulfan
Endrin
Ethion
Ethylamine
Ethylamine (70 percent or less)
Ethyl cyclohexylamine
Ethylenediamine-tetraacetic acid
Ethyl hexylamine
Ethylidene norbornene
Ethyl methacrylate
Ethyl N-butylamine
Ethyl toluene
Ferric ammonium citrate
Ferric ammonium oxalate
Ferric fluoride
Ferric nitrate
Ferric sulfate
Ferrous ammonium sulfate
Ferrous chloride
Ferrous sulfate
Fumaric acid
Guthion
Heptachlor
Hydroxylamine
Isophorone diamine
Kelthane
Lead acetate
Lead fluoborate
Lead fluoride
Lead iodide
Lead stearate
Lead sulfide
Lead tetraacetate
Lead thiocyanate
Lead thiosulfate
Lead tungstate
Lithium bichromate
Lithium chromate
Maleic acid
Maleic anhydride
Mercuric nitrate
Methacrylic acid
Methoxychlor
Methylcyclopentadienyl manganese tricarbonyl
Methyl tert-butyl ether
Mevinphos
Naled
Naphenic acid
Nickle ammonium sulfate
Nickle chloride
Nickel formate
Nickel hydroxide
Nickel nitrate
Nickel sulfate
Nitrophenol
Paraformaldehyde
Pentachlorophenol
1,3- or 1,4-Pentadiene
Polymethylene polyphenyl isocyanate
Polyvinylbenzyltrimethyl ammonium chloride
Potassium chromate
(Beta-) Propiolactone
(ISO-) Propyl ether
Pyrethrins
Quinoline
Resorcinol
Selenium oxide
Sodium
Sodium bifluoride
Sodium hypochlorite
Sodium hydrosulfide
Sodium phosphate, dibasic
Sodium phosphate, monobasic
Sodium phosphate, tribasic
Sodium selenite
Sodium chromate
Stannous fluoride
Strontium chromate
2,4,5-T (acid)
2,4,5-T (esters)
TDE
Tetraethylenepentamine
Tetraethyl lead
Toxaphene
Trichlorofon
Trichlorobenzene
1,1,2-Trichloroethane
Trichlorophenol
Triisopropanolamine
Trimethylacetic acid
Uranium peroxide
Uranyl acetate
Uranyl sulfate
Vanadium pentoxide
Vanadyl sulfate
Xylenols
Zectran
Zinc acetate
Zinc ammonium chloride
Zinc bichromate
Zinc borate
Zinc bromide
Zinc carbonate
Zinc fluoride
Zinc formate
Zinc hydrosulfite
Zinc phenolsulfonate
Zinc phosphide
Zinc potassium chromate
Zinc silicofluoride
Zinc sulfate
Zinc sulfate, monohydrate
Zirconium acetate
Zirconium potassium fluoride
Zirconium nitrate
Zirconium oxychloride
Zirconium sulfate

"Incompatible products" means products that, when mixed, create a hazard, such as spontaneous combustion or energy release, or form a product that is hazardous to health.

"Ignition Source" means any item or substance capable of an energy release of type and magnitude sufficient to ignite any flammable mixture of gases or vapors, as defined in 49 CFR 173.300(b)(1), which could occur on the facility.

"Maintenance personnel" means all personnel employed at a facility who perform maintenance to structures or equipment.

"Operational Personnel" means all personnel employed at a facility who perform, or have operating control over, some function of the facility.

"Operations" includes the handling, loading, discharging, transferring, and moving of hazardous materials.

"Person" includes an individual, firm, corporation, association, and partnership.

"Person in Charge" means an individual designated as a person in change of transfer operations.

"Pier" means a structure projecting from the shore into navigable waters.

"Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a state or political subdivision thereof, or by a foreign nation, except when such a vessel is engaged in commerce.

"Shore area" means an area of land, including waterfront facilities thereon, immediately adjacent to the navigable waters of the United States and extending inland to the extent that controls are necessary to prevent damage to, destruction of, or loss of a vessel, bridge, or waterfront facility on or in those waters, or to protect those waters from environmental harm resulting from vessel or facility damage, destruction, or loss.

"Slip" means an extension, artificial or otherwise, of navigable waters into the space between adjacent structures within which a vessel may be berthed or moored.

"Supervisory personnel" means all personnel employed at a facility who are responsible for the operation of the facility or the supervision of its personnel.

"Tank vessel" means any vessel that carries or is capable of carrying liquid bulk cargo in tanks.

"Vessel" means every description of watercraft or other artificial contrivance, whether U.S. or foreign, used or capable of being used as a means of transportation on water, other than a public vessel.

"Waterfront facility" means any building, refinery, tank farm, warehouse, dock, pier, wharf, or other structure in, on, or immediately adjacent to the navigable waters of the U.S. or on a shore area immediately adjacent to those waters. A facility includes federal, state, municipal, and private facilities.

"Wharf" means pier.

§ 126.0040 Enforcement.

(a) The rules and regulations in this part are enforced by the Captain of the Port under the supervision and general direction of the Commandant and the District Commander.

(b) The rules and regulations in this part are enforced by any other officer of the Coast Guard designated by the Commandant, the District Commander, or the Captain of the Port.

§ 126.0045 Suspension of transfer operations.

(a) The Captain of the Port may issue an order to suspend transfer operations, including the emergency removal, control, and disposition of hazardous materials, to the operator of a facility if the COTP finds that there is a condition requiring immediate action.

(b) An order of suspension may be effective immediately.

(c) An order of suspension includes a statement of each condition requiring immediate action.

§ 126.0050 Waiver authority.

The Commandant, District Commander, or Captain of the Port, in writing, may waive compliance with any regulation in this Part if compliance would be unreasonable or inimical to safety or national defense. However, the official granting a waiver shall impose requirements or conditions which will maintain at least the same degree of safety and environmental protection provided by the regulations in this Part.

§ 126.0055 Letter of intent.

(a) Each facility operator shall submit to the Captain of the Port a letter of intent to operate a facility.

(b) The letter of intent required by paragraph (a) of this section may be in any form but must contain—

(1) The name, address and telephone number of the operator;

(2) The name, address and telephone number of the facility;

(3) The geographical location of the facility with respect to the associated body of navigable waters, including a map or drawing of the facility; and

(4) The types of hazardous materials to be handled.

(c) The facility operator of any facility for which a letter of intent has been submitted shall immediately advise the Captain of the Port in writing of any changes of information in the letter and shall cancel, in writing, the letter for any facility at which operations are no longer conducted.

§ 126.0060 Use permit.

(a) Each facility operator shall submit to the Captain of the Port a written request for a use permit. The facility operator shall certify in the request that the facility complies and will comply with the requirements in this part. Non-compliance with the provisions of this part may result in the revocation of the use permit.

(b) The use permit terminates 5 years after the date it is issued. A facility operator may request, in writing, a renewal of the use permit.

(c) No person may operate a facility unless a use permit has been issued for that facility by the Captain of the Port.

§ 126.0065 Inspections.

(a) The facility operator shall allow any person designated for such purpose by the Commandant, District Commander, or the Captain of the Port, to make reasonable examinations and inspections to ensure compliance with the requirements of this part. All required testing of facility equipment must be conducted in a manner acceptable to the inspector.

(b) If during the inspection of a facility, the facility or its equipment is found not to conform to the requirements of law or the regulations of this part, the inspector points out all deficiencies and discusses all requirements with the facility operator, or the facility operator's representative. Normally, the inspector lists all requirements which have not been completed and presents the list to the facility operator, or the facility owner's representative.

§ 126.0070 Appeals.

(a) Any person directly affected by an order or direction issued under this part may request reconsideration by the official who issued the order or direction, and may appeal the order or direction to the COTP and then the District Commander, whose decision shall be final.

(b) Requests for reconsideration and appeals may be written or oral, but if oral, must be followed by no less than a written outline of the key points made. The Coast Guard official to whom the request or appeal is made will provide a written decision if requested.

(c) While any request or appeal is pending, the order or direction remains in effect.

§ 126.0090 Adoption of standards.

(a) In this part, portions or the entire text of certain consensus standards and specifications are referred to as governing requirements for materials, equipment, test, or procedures to be followed. The standards and specification requirements specifically referred to in this part shall be the governing requirements for the subject matters covered unless specifically limited, modified, or replaced by other regulations in this part.

(b) The following consensus standards are incorporated by reference except where modified by these regulations:

(1) Publications issued by National Fire Protection Association, 470 Atlantic Avenue, Boston, Mass. 02210, as listed in this paragraph.

(i) Standard for the Installation, Maintenance and Use of Portable Fire Extinguishers, NFPA No. 10—1975 Edition.

(ii) Standard for Foam Extinguishing Systems, NFPA No. 11—1974 Edition.

(iii) Standard for High Expansion Foam Systems, NFPA No. 11A—1970 Edition.

(iv) Standard on Synthetic Foam and Combined Agent Systems, NFPA No. 11B—1974 Edition.

(v) Carbon Dioxide Systems, NFPA No. 12—1973 Edition.

(vi) Halon 1301 System, NFPA No. 12A—1973 Edition.

(vii) Halon 1211 Systems, NFPA No. 12B—1973 Edition.

(viii) Standard for the Installation of Sprinkler Systems, NFPA No. 13—1974 Edition.

(ix) Standard for the Care and Maintenance of Sprinkler System, NFPA No. 13A—1971 Edition.

(x) Standpipe and Hose Systems, NFPA No. 14—1976 Edition.

(xi) Standard for Water Spray Fixed Systems for Fire Protection, NFPA No. 15—1973 Edition.

(xii) Foam-Water Sprinkler and Spray System, NFPA No. 16—1974 Edition.

(xiii) Standard for Dry Chemical Extinguishing Systems, NFPA No. 17—1975 Edition.

(xiv) Wetting Agents, NFPA No. 18—1972 Edition.

(xv) Fire Hose Connections, NFPA No. 194—1974 Edition.

(xvi) Fire Hoses, NFPA No. 196—1974 Edition.

(xvii) Centrifugal Fire Pumps, NFPA No. 20—1976 Edition.

(xviii) Water Tanks, NFPA No. 22—1976 Edition.

(xix) Standard for Outside Protection, NFPA No. 24—1973 Edition.

(xx) Flammable and Combustible Liquids Code, NFPA No. 30—1976 Edition.

(xxi) Stationary Combustion Engines and Gas Turbines, NFPA No. 37—1975 Edition.

(xxii) Storage of Proxylin Plastic, NFPA No. 40E—1975 Edition.

(xxiii) Liquid and Solid Oxidizing Materials, NFPA No. 43A—1975 Edition.

(xxiv) Storage of Gaseous Oxidizing Materials, NFPA No. 43C—1975 Edition.

(xxv) Storage of Pesticides in Portable Containers, NFPA No. 43D—1975 Edition.

(xxvi) Ammonium Nitrate Storage, NFPA No. 490—1975 Edition.

(xxvii) Intrinsically Safe Apparatus, NFPA No. 493—1975 Edition.

(xxviii) Explosive Materials, NFPA No. 495—1975 Edition.

(xxix) Purged Enclosures for Electrical Equipment, NFPA No. 496—1974 Edition.

(xxx) Liquefied Petroleum Gases, Storage and Handling, NFPA No. 58—1976 Edition.

(xxxi) Liquefied Petroleum Gases at Utility Gas Plants, NFPA No. 59—1976 Edition.

(xxxii) Liquefied Natural Gas, Storage and Handling, NFPA No. 59A—1975.

(xxxiii) Explosion Prevention Systems, NFPA No. 69—1973 Edition.

(xxxiv) National Electrical Code, NFPA No. 70—1975 Edition.

(xxxv) Electrical Code for One-and Two- Family Dwellings, NFPA No. 70A—1975 Edition.

(xxxvi) Automatic Fire Detectors, NFPA No. 72E—1974 Edition.

(xxxii) Public Fire Service Communications, NFPA No. 73—1975 Edition.

(xxxviii) Lightning Protection Code, NFPA No. 78—1975 Edition.

(xxxix) Fire Doors and Windows, NFPA No. 80—1975 Edition.
(xl) Standard for the Construction and Protection of Piers and Wharves, NFPA No. 87—1975 Edition.
(xli) Air Conditioning and Ventilating Systems, NFPA No. 90A—1976 Edition.
(xlii) Warm Air Heating and Air Conditioning, NFPA No. 90B—1976 Edition.
(xliii) Life Safety Code, NFPA No. 101—1976 Edition.
(xliv) Marinas and Boatyards, NFPA No. 303—1975 Edition.
(xlv) Control of Gas Hazards on Vessels, NFPA No. 306—1975 Edition.
(xlvi) Powered Industrial Trucks, NFPA No. 505—1975 Edition.
(xlvii) Truck Fire Protection, NFPA No. 512—1975 Edition.
(xlviii) Motor Freight Terminals, NFPA No. 513—1975 Edition.
(xlix) Guard Operations in Fire Loss Prevention, NFPA No. 601A—1975 Edition.
(l) Fire Prevention Colde, NFPA No. 1—1975 Edition.
(li) Industrial Fire Loss Prevention, NFPA No. 6—1974 Edition.
(lii) Fire Emergencies Management, NFPA No. 7—1974 Edition.
(liii) Training Reports and records, NFPA No. 9—1970 Edition.
(liv) Fire Department Operations in Properties Protected by Sprinkler Standpipe Systems, NFPA No. 13E—1973 Edition.
(lv) Fire Hose, Care of NFPA No. 198—1972 Edition.
(lvi) Steam Fire Pumps, Maintenance, NFPA No. 21—1975 Edition.
(lvii) Supervision of Valves, NFPA No. 26—1976 Edition.
(lviii) Fire Hydrants, Uniform Markings, NFPA No. 291—1974 Edition.
(lix) Water Charges, Private Protection, NFPA No. 292M—1974 Edition.
(lx) Manholes and Sewers, Flammable and Combustible Liquids and Gases in, NFPA No. 328—1975 Edition.
(lxi) Underground Leakage of Flammable and Combustible Liquids, NFPA No. 329—1972 Edition.
(lxii) Separation Distances of Ammonium Nitrate and Blasting Agents, NFPA No. 492—1976 Edition.
(lxiii) Electrical Installations in Chemical Plants, NFPA No. 497—1975 Edition.
(lxiv) Fire Hazards in Oxygen-Enriched Atmospheres, NFPA No. 53M—1974 Edition.
(lxv) Explosion Venting, Guide, NFPA No. 68—1974 Edition.
(lxvi) Electrical Equipment Maintenance, NFPA No. 70B—1975 Edition.
(lxvii) Static Electricity, NFPA No. 77—1972 Edition.
(lxviii) Protection From Exposure Fires, NFPA No. 80A—1975 Edition.
(lxix) Guard Service in Fire Loss Prevention, NFPA No. 601—1975.

DESIGN, CONSTRUCTION, AND EQUIPMENT

§ 126.0105 Quality assurance.

Each facility operator shall develop a quality assurance plan for a new facility during the design phase of the project. The plan must include procedures that will ensure compliance with this part.

§ 126.0110 Pier construction.

(a) Piers must be of substantial construction and designed for the use intended. Decks must be constructed of a material which will afford resistance to shock, durability, strength, and fire.
(b) Piers that are exposed to impact or excessive abrasion by vessels, or are subject to damage by floating ice or debris, must be designed to minimize any damage thereby. Adequate means must be provided to resist wind, current, and impact force exerted on the pier by construction that will substantially eliminate damage from ordinary operations.
(c) For drainage, horizontal surfaces of piers and their superstructures and substructures must be pitched to a slope of not less than four millimeters per meter (one inch in 20 feet). Decks must be arranged to safely drain off through scuppers or drains, or by other suitable means, excess water.

§ 126.0120 Protection of equipment.

(a) The facility operator shall locate and protect all equipment, piping, and appurtenances normally containing hazardous materials so that damage will not result from normal operations.
(b) Tanks primarily for the storage of any hazardous materials must not be located upon a pier except tanks for—
(i) Surge protection;
(ii) Pump suction supply; and
(iii) Emergency or support equipment fuel of a capacity of 1.9 cubic metres (500 gal.) or less.

§ 126.0125 Means of access.

There must be at least one all-weather vehicular road suitable for the movement of fire apparatus to the facility.

§ 126.0130 Sewers, trenches, and drains

No sewer, open trench, or drain may pass through the facility that would allow spilled hazardous materials or harmful vapors to be carried to areas not under the full control of the facility operator.

§ 126.0150 Electrical power system.

(a) All electrical power systems must meet and shall be installed in accordance with the National Electrical Code, NFPA No. 70 (1975). The facility must have the following—
(1) Primary power supply; and
(2) An emergency power supply.
(b) Electrical power systems must be maintained in a safe condition, free of defects or modifications that may cause fire or personal injury. Defective or dangerous wiring, equipment, and devices must be removed.
(c) The emergency power supply must provide for orderly shut-down and operation of necessary safety equipment.
(d) In the event of a power failure, there must be a means provided to ensure that all required aids to navigation are operational.

§ 126.0160 Lighting systems.

(a) The facility must be adequately illuminated during operations. The facility must have—
(1) A general lighting system; and
(2) Emergency lighting.
(b) Lighting of a facility must be arranged in a regular or symmetrical pattern. This pattern must make the pier distinguishable as a fixed structure when viewed by transiting marine traffic.
(c) Area and other lighting must be shielded and directed on the dock to minimize loss of night vision aboard transiting marine traffic.
(d) For operations between sunset and sunrise, the facility must assure lighting that illuminates—
(1) Each transfer connection point on the facility with an average minimum lighting intensity of 54 lx (five footcandles);
(2) Each transfer operation work area on the facility with an average minimum lighting intensity of 11 lx (one footcandle);
(3) Each transfer connection point in use on any barge moored at the facility with an average minimum lighting intensity of 54 lx (five footcandles); and
(4) Each transfer operations work area on any barge moored at the facility to or from which hazardous materials are being transferred with an average minimum lighting intensity of 11 lx (one footcandle). The lighting intensity must be measured on a horizontal plane one metre (3.3 feet) above the barge deck or walking surface. For small or remote facilities, the Captain of the Port may authorize operations with an equivalent intensity of lighting provided by the vessel or by portable means.
(e) Emergency lighting must be provided for orderly shut-down, operation of necessary safety equipment, and required navigational aids.

§ 126.0170 Warning alarms.

Warning alarms must be installed at the waterside of a facility to warn facility personnel and approaching or tansiting water traffic of immediate danger in the event of fire or cargo release. Warning alarms must be of the siren type and the emergency rotating flashing light type, and must be of sufficient intensity to be heard, or seen, a

distance of 1.6 km (1 mile) during normal facility working conditions. In the event of a power failure, there must be a means provided to ensure that all such warning alarms are operational.

FIRE PROTECTION AND SAFETY EQUIPMENT

§ 126.0520 Fire protection systems.

(a) The facility owner shall obtain written approval from the Captain of the Port for the installation of any fire control system.

(b) Each fire protection system must be maintained in good operating condition and ready for use at all times.

(c) An emergency fire pump, capable of operating during loss of electrical power at the facility, must be installed and operable.

(d) All firefighting equipment including hydrants, standpipe and hose stations, fire extinguishers, and fire alarm boxes must be conspicuously marked and readily accessible.

(e) There must be maintained at least 1.2 metres (four feet) of clear and open operating space around any fire alarm box, standpipe, fire house, sprinkler valve, fire door, access hatch, or fire appliance.

(f) Fire protective and extinguishing equipment must be listed and labeled by Underwriters Laboratories, Inc. or The Factory Mutual System.

§ 126.0530 Automotive fire apparatus.

(a) Fire trucks and other fire control equipment must be operated by suitably trained employees and not be used for any other purpose. Fire and water trucks must meet NFPA-19, "Standards for Automotive Fire Apparatus".

(b) Each motor vehicle used at and owned by the facility, not designed for fire control only, must have at least one dry chemical fire extinguisher rated 20-A and 80-B:C.

§ 126.0535 Fire mains.

(a) A loop fire main system must be provided around the effective operating perimeter of the facility.

(b) The capacity of the fire main system must be calculated by assuming two fire streams discharging at a minimum of 0.006 cubic metres per second (90 gal./min.) per hose on each area and structure and equipment unit listed in paragraph (e) of this section which could be simultaneously engulfed in a credible fire on the facility.

(c) The fire main must be supplied from two segregated connections to the fire main supply.

(d) The fire main supply system must provide water for not less than four hours duration.

(e) The fire main must supply monitors, hydrants, hose stations, or sprinklers throughout the facility and must cover the following areas:

(1) Operational and processing areas.
(2) Storage tank area.
(3) Loading arm and dock areas.
(4) Generator buildings.
(5) Warehouses.
(6) Office, maintenance, and utility structures.

§ 126.0546 Fire main piping.

(a) A fire main system that has a "wet" piping design must have all water headers and mains located below "frost" depth. All vertical risers must be maintained in a drained condition below the "frost" depth utilizing automatic bell drip valves or equivalent means. Fire mains located in freezing climates where there exists a high water table, must be installed with provisions to isolate and pump out vertical risers and hydrants after each use.

(b) A fire main system that incorporates above ground piping designs located in freezing climate must be looped and have a means to prevent piping obstructions as a result of freeze-up.

(c) Sectionalizing gate valves complete with post indicators must be installed to provide firemain isolation. If a single component of the system is destroyed, one of the sources of water supply required under § 126.0535(b) must remain operable.

(d) The firemain must be designed such that the pressure at the end of 30 metres (98 ft.) of 1½ inch hose does not exceed 1.05 M pa (152 PSIG).

(e) Pressure relief devices must be provided to ensure the firepump discharge pressure does not exceed the design pressure of firemain piping.

(f) Piping 100 mm (4 inches) and larger must be ASTM 21.6 class 125 cast iron or the equivalent. Cast iron piping must be cleaned and tested in accordance with NFPA 24.

(g) At a marine berth, at least two international shore connections must be available for use by the local fire department. The international shore connection must meet 46 CFR Subpart 162.034.

§ 126.0545 Hydrants, hose, sprinklers, and monitor stations.

Hydrant Systems must meet NFPA 24.

§ 126.0546 Sprinkler systems.

Sprinkler systems must meet NFPA 13 (1974).

§ 126.0550 Dry chemical systems.

(a) Fixed or portable dry chemical equipment must be ready for immediate use in any—

(1) Loading arm and dock areas;
(2) Piping manifold and hose transfer areas;
(3) Process areas;
(4) Shop areas;
(5) Office areas;
(6) Utility areas;
(7) Control rooms; or
(8) Storeroom areas.

(b) Dry chemical equipment and installations must meet NFPA 17 and NFPA 10 and have chemicals capable of extinguishing the types of fire most likely to be encountered.

§ 126.0551 Foam systems.

Where installed, foam systems must meet NFPA 11, 11a, or 11b.

§ 126.0552 Water deluge systems.

Where installed, water deluge systems must meet NFPA 15.

§ 126.0555 Personnel emergency equipment.

(a) The operator shall provide the following personnel emergency equipment outfits in the quantity determined necessary by the Captain of the Port. Each outfit shall include the following:

(1) Self-contained breathing apparatus, including belt and lifeline, approved under 30 CFR Part 11.

(2) An explosion proof flashlight listed by Underwriters Laboratories, Inc., for use in Class I, Group D, hazardous areas.

(3) Boots and gloves of rubber or other electrically non-conducting material.

(4) A rigid helmet that provides effective protection against impact.

(5) Protective clothing that will protect the skin from heat and burns of fire. The outer surface must be water resistant.

(6) A combustible gas indicator.

(b) Emergency equipment outfits must be stored in a dry, conspicuous place and marked "Emergency Equipment Outfit". The equipment may not be used for any purpose other than emergencies.

§ 126.0560 Maintenance of equipment.

Each facility operator shall develop and follow a preventive maintenance plan that is designed to maintain all fire protection and safety equipment in proper working condition. Fire protection equipment must be maintained in accordance with the following:

(a) Care and Maintenance of Sprinkler Systems (NFPA No. 13A).

(b) Standard for the Installation, Maintenance, and Use of Local Protective Signaling Systems (NFPA No. 72A).

(c) Standard for the Installation, Maintenance, and Use of Auxiliary Protective Signaling Systems (NFPA No. 72B).

(d) Standard for the Installation, Maintenance, and Use of Proprietary Protective Signaling Systems (NFPA No. 72D).

(e) Standard for the Installation of Standpipe (Fire Line) and Hose System (NFPA No. 14).

(f) Standard for the Maintenance and Use of Portable Extinguisher (NFPA No. 10A).

SECURITY

§ 126.0600 Security requirements.

Each facility operator shall provide a security system when required by the Captain of the Port, which shall be designed to minimize entry by unauthorized persons, provide adequate surveillance, detect fire hazards, and check the readiness of protective equipment.

PERSONNEL

§ 126.0710 Personnel requirements.

For each operational personnel position in the facility, the operator shall establish—

(a) Minimum qualifications;
(b) Job descriptions; and
(c) Training requirements.

§ 126.0730 Training.

(a) All operational and supervisory personnel must have the following minimum training:

(1) Basic firefighting.
(2) Basic first aid.
(3) Basic safety instructions for the hazardous materials handled at the facility.
(4) Facility layout.
(5) Personnel responsibility.
(6) Emergency procedures.

(b) All supervisory personnel and persons in charge must have the following additional training:

(1) Instruction on the facility operation, including controls, functions, and operating procedures.
(2) Advance firefighting instructions.
(3) Instruction in security procedures.
(4) Basic introduction to the operation and construction of ships, trucks, and rail cars as applicable.
(5) Basic instruction on the characteristics, properties, and hazards of the products handled in the facility.
(6) Advance instruction in emergency procedures.
(7) Advanced first aid.

(c) The facility operator shall ensure that all personnel receive refresher training in firefighting and first aid at least every two years. The operator shall be responsible for the training of plant personnel.

OPERATIONS

§ 126.0810 General operations requirements.

(a) No person may operate a facility unless the equipment, personnel, and operating procedures of the facility meet the requirements of this part.

(b) The facility operator shall submit to the Captain of the Port an Operations Manual meeting the requirements of § 126.0821 and an Emergency Manual meeting the requirements of § 126.0831 for approval.

§ 126.0811 Person in charge: evidence of designation.

The facility operator shall provide suitable identification for each individual designated as a person in charge.

§ 126.0812 Compliance with Operations Manual.

The facility operator shall use and require facility personnel to use the procedures in the Operations Manual prescribed in § 126.0821 for operations under this part.

§ 126.0813 Compliance with suspension order.

No facility operator to whom an order of suspension has been issued under § 126.0045 may conduct operations until that order is withdrawn.

§ 126.0821 Operations Manual: contents.

Each facility operator shall prepare and submit to the Captain of the Port an Operations Manual that contains, in the order listed—

(a) Operating requirements and procedures;
(b) Duties and responsibilities of operating personnel;
(c) As description of the facility, including a plan of the facility outlining any mooring areas, transfer locations, control stations, piping systems, and fire and safety equipment;
(d) The names and telephone numbers of facility supervisory personnel, local Coast Guard unit, local hospitals, local fire department, local police department, and other personnel who may be called by the employees of the facility in an emergency;
(e) The location and facilities of any personnel shelter;
(f) A description of any emergency shutdown system, including its location;
(g) A description of security systems and measures;
(h) A description of any training program required by § 126.0730; and
(i) A description of any maintenance, repair and retest programs for operational, fire, and safety equipment and systems.

§ 126.0823 Operations Manual: amendments.

(a) The Captain of the Port may require the facility operator to amend the Operations Manual if the COTP finds that the Operations Manual does not meet the requirements of this part.

(b) When the Captain of the Port requires an amendment of an Operations Manual, the COTP notifies the facility operator in writing of the date, not less than 14 days from the date of the notice, on or before which the facility operator may submit written information, views, and arguments on the amendment. After considering all relevant material presented, the Captain of the Port notifies the facility operator of any amendment required or adopted, unless the COTP rescinds the notice. The effective date of the amendment will be not less than 30 days after the facility operator receives the notice unless the facility operator petitions the District Commander to reconsider the notice, in which case its effective date is stayed pending a decision by the District Commander. Petitions to the District Commander must be submitted in writing to the Captain of the Port.

(c) If the Captain of the Port finds that there is a condition requiring immediate action to prevent the discharge or risk of discharge of hazardous materials that makes the procedure in paragraph (a) of this section impracticable or contrary to the public interest, the COTP may issue an amendment effective, without stay, on the date the facility operator receives notice of it. In such a case, the Captain of the Port includes a statement of the reasons for the finding in the notice.

(d) Each facility operator shall keep the Operations Manual current so that it meets § 126.0821. The facility operator shall provide a copy of each change to the Operations Manual to the Captain of the Port within 10 days after the change occurs.

§ 126.0826 Operations Manual: availability.

Each facility operator shall keep an Operations Manual at the facility and shall make it readily available to the operational personnel, vessel personnel and to the Captain of the Port.

§ 126.0831 Emergency Manual: general.

Each Emergency Manual must contain detailed instructions for the following:

(a) General emergency procedures.
(b) Plan for fire control and fire fighting systems procedures.
(c) Emergency lighting procedures.
(d) Emergency power system procedures.
(e) Emergency shut down procedures.

§ 126.0841 Smoking.

The facility operator shall prohibit smoking, and no person may smoke, on any portion of the waterfront facility, except in locations specifically designated as smoking areas and approved by the Captain of the Port. NO SMOKING signs must be prominently displayed throughout prohibited areas.

§ 126.0842 Motor vehicles.

Motor vehicles may not remain or park in cargo transfer areas, except under any of the following conditions:

(a) When actually awaiting opportunity to load or discharge cargo, ship supplies, or passengers and attended by a driver.

(b) When being used for or incident to maintenance, repair, or alterations and attended by a driver.

(c) When headed toward an unimpeded exit and attended by a driver.

(d) When handled and stored as an item of cargo.

(e) In such portions of the facility as designated and marked off by the owner or operator when parking areas are designated and permitted in accordance with local ordinances and regulations, and provided no fire lanes are blocked or exits impeded by their presence.

§ 126.0843 Pier automotive equipment.

Tractors, stackers, lift trucks, hoisters, and other equipment driven by internal combustion engines used on a facility must be of such construction and condition as not to constitute a fire hazard. Each unit must be kept free from excess grease, oil, or lint. When not in use, automotive equipment must be stored in a safe manner and location. Gasoline or other fuel used for such equipment must be stored and handled in accordance with accepted safe practices. Refueling of such equipment or any vehicle is prohibited on any pier within the facility.

§ 126.0844 Rubbish and waste materials.

The facility must be free from rubbish, debris, and waste materials. Burning rubbish in an open fire on a waterfront facility is prohibited.

§ 126.0845 Maintenance of stores and supplies.

Supplies listed in § 126.0030 (Hazardous material), to be used in connection with operation or maintenance of the facility, may not be stored on any pier or elsewhere on the facility except in amounts necessary for normal current operating conditions. Storage areas must be kept clean and maintained free of scrap materials, empty containers, soiled wiping rags, waste, and other debris. Covered metal containers must be provided for storage of used wiping cloths and the contents must be moved at the end of each working day.

§ 126.0846 Arrangement of cargo, freight, merchandise, and material.

Cargo, freight, merchandise, or material must be arranged on the facility in a manner to permit complete access for the purpose of fire extinguishment, except on facilities used primarily for the transfer of railroad or highway vehicles to or from cargo vessels and carfloats. Cargo, freight, merchandise, or other material must be placed on the waterfront facility in accordance with the following:

(a) At least 0.6 metre (two feet) of clear and open space must be maintained free of rubbish, dunnage, or other obstructions between cargo, freight, merchandise, or other material piles and both sides of the walls, fire walls, or fire stops in enclosed waterfront facilities. This distance shall be measured from the most prominent projection of the wall such as studding, bracings, or other obstructions that are part of the structure. In an unenclosed facility, 0.6 metre (two feet) of clear and open space shall be maintained free of rubbish, dunnage, or other obstructions between cargo, freight, merchandise, or other material and the sides of the pier.

(b) Inflammable or combustible cargo, freight, merchandise, or material, not including bulk cargo, shall not be tiered higher than 4 metres (13 feet). All cargo, freight, merchandise, or other material including flammable or combustible cargo, freight, merchandise, or material shall be so tiered as to maintain a clearance between the upper level of the top tier and trusses, beams, girders, or other structual members of not less than one metre (3.3 feet), and between such upper level and sprinkler heads a clearance of at least 0.3 metre (one foot) shall be maintained.

(c) There shall be maintained at least 1.2 metres (four feet) of clear and open operating space around any fire alarm box, standpipe, fire hose, sprinkler valve, fire door, deck hatch, or first-aid fire appliance.

(d) When first-aid equipment, fire appliances, alarm boxes, other safety equipment, or deck hatches are located in a space surrounded by cargo, freight, merchandise, or other material, there shall be maintained a straight, free, and open space at least one metre (3.3 feet) in width running therefrom to the center aisle. This space shall be kept clear of all rubbish, dunnage, and other obstruction.

(e) A main aisle of at least six metres (19.5 feet) in width shall be maintained the entire length of the waterfront facility if control of fire requires trucks to come on the pier. The aisle may be reduced to 2.5 metres (eight feet) in width if such access by fire trucks is not required.

(f) Cross aisles, at least 1.5 metres (five feet) wide and straight, shall be maintained at intervals not exceeding 23 metres (75 feet), and extending to the side of the facility.

RECORDS

§ 126.0905 Inspection and maintenance.

The facility operator shall keep on file for a period of 5 years a record of the dates and results of—

(a) Each inspection and test; (b) all required periodic maintenance of safety and fire protection systems, equipment, and devices; and (c) material and equipment accidents and corrective action taken.

§ 126.0910 Personnel records.

The facility operator shall keep personnel records for all operational personnel assigned to the facility which includes—

(a) qualifications; (b) training; and (c) lost time accidents.

(86 Stat. 427 (33 U.S.C. 1224); 86 Stat. 816, 868 (33 U.S.C. 1321(j)(1)(C)); 49 CFR 1.46 (n)(4) and (l).)

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

APRIL 3, 1978.

[FR Doc. 78-9469 Filed 4-7-78; 8:45 am]

federal register

MONDAY, APRIL 10, 1978
PART VI

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

VISUAL DISTRESS SIGNALS ON BOATS

Proposed Rulemaking

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 175]

[CGD 76-183]

VISUAL DISTRESS SIGNALS ON BOATS

AGENCY: U.S. Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing that all boats carrying six or less passengers and recreational boats 16 feet or greater in length be required to carry visual distress signals at all times when operating on coastal waters. Additionally, boats less than 16 feet will be required to carry visual distress signals when operating on coastal waters at night. This proposed rule will provide boaters in distress with a means of alerting others and also aid in the location of craft in distress.

DATES: Comments must be received on or before August 8, 1978.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81) U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Copies of studies referenced in this document are available for examination at the above address. A copy of the economic evaluation from which the economic summary in this document is taken is also available for examination at this address.

FOR FURTHER INFORMATION CONTACT:

Captain 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: Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments. Written comments should include the docket number (CGD 76-183), the name and address of the person submitting the comments and the specific section of the proposal to which each comment is addressed. The proposal may be changed in light of comments received before final action on this proposal. No hearing is contemplated, but one may be held at a time and place set out in a later notice in the FEDERAL REGISTER, if requested by a person or organization desiring to comment orally at a public hearing and raising a genuine issue.

DRAFTING INFORMATION

The principal persons involved in the drafting of this rulemaking are: A. R. Thuring, Project Manager, Office of Boating Safety; G. S. Karavitis, Project Counsel, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

The purpose of this proposed rule is to require operators of boats carrying 6 or less passengers and boats 16 feet or greater in length to carry visual distress signals on board when operating in coastal waters. Boats under 16 feet operating at night on coastal waters would also be required to carry visual distress signals. In addition, it lists those devices which may be used to meet the proposed carriage requirement.

This document does not contain specifications for these devices. New specifications for red aerial pyrotechnics, electric distress lights, and distress flags are contained in CGD 76-183a, which will be published in a future issue of the FEDERAL REGISTER. Changes to the existing specifications of other distress signals approved by the Coast Guard are contained in CGD 76-048a, which will also be published in a future issue of the FEDERAL REGISTER.

The Coast Guard, in 46 CFR 180.35, has required distress signals on vessels carrying more than six passengers for many years. Extension of a similar requirement to commercial vessels carrying 6 or less passengers ensures that all passengers on United States flag vessels, either ships or boats are assured a minimum margin of preparedness for distress situations.

The Coast Guard believes that a visual signaling device on recreational boats would be effective in many search and rescue situations. Visual distress signals increase the chances for alerting others of a distress situation and reduce the time spent locating the distressed boat. This reduces the risks created by prolonged distress situations. A Coast Guard Search and Rescue (SAR) study determined that 45 percent of those search and rescue incidents examined would have been facilitated if the operators had possessed a means to alert others of their predicament or to assist in determining their location.

In two other surveys conducted by the Coast Guard more than 25 percent of those borders questioned stated that they had a need for a distress signal on coastal waters at least once when they were not carrying one.

Coast Guard records on SAR cases indicate that for Fiscal Year 1976, the most recent data available, there were 49,800 cases involving recreational boats. This figure has been increasing at an annual rate of 6 percent for the last several years and represents only those SAR cases where the Coast Guard responds.

The same data indicate that 86 percent of all cases the Coast Guard responds to are within 3 miles of shore, and 95 percent of these cases are within 10 miles of shore. This pattern has remained stable for the last twelve years.

Finally, the proportion of boats under 16 feet assisted by the Coast Guard has been slowly declining from 14 percent in 1972 to 12 percent in 1976. This has occurred despite the fact that 65 percent of the estimated 10,000,000 recreational boats in this country as of December 1976 were under 16 feet.

In January 1975, the National Boating Safety Advisory Council (NBSAC) was consulted. They concurred with the Coast Guard that a need for visual distress signaling equipment on boats exists.

The NBSAC Subcommittee on Visual Distress Signals and the Coast Guard also conducted a field demonstration of over 65 different devices at Matapeake, Md. on Chesapeake Bay December 16, 1976. Notice of that demonstration was published in the FEDERAL REGISTER on November 29, 1976 (41 FR 52351). The report of that demonstration was submitted to the National Boating Safety Advisory Council by the chairman of the subcommittee on Visual Distress Signals on February 2, 1977. That report has been considered by the Coast Guard in the development of this proposed rule.

On September 27, 1976 the Coast Guard published an Advanced Notice of Proposed Rulemaking for Visual Distress Signals on Boats, (41 FR 42218). Its purpose was to solicit public input on this question. Over 150 comments were received, the largest group being from private individuals who own or operate boats.

A summary of respondents shows the following breakdown.

	Percent
Private individuals	44
Indsustry	17
Organized groups	13
State Boating law administrators	13
Other governmental bodies	4
Media	1
Other	8

Many of the suggestions in those comments have been incorporated in this proposed rule.

Approximately 25 percent of the comments received opposed rulemaking on this issue. Slightly less than half of those in opposition limited their comments to canoes, kayaks, inflatable rafts, and other manually propelled craft operating on inland rivers and lakes. They argued that a shore is always close at hand, and a need for distress signaling is minimal. The Coast Guard concurs with their position, and has limited the scope of this

proposal to exclude these bodies of water.

The remainder of those in opposition to any visual distress signal requirements objected to the infringement of government in what they perceive to be a matter of personal choice. Most stated that they personally carried such devices, but questioned the wisdom or effectiveness of a federal requirement.

The Coast Guard questions the contention that people who need these devices already carry them. Our studies show that only about 30 percent of all boaters on coastal waters carry these devices at the present time. It appears that a significant number of people who have need of these devices are not carrying them when the need occurs. Given the problems encountered by both the Coast Guard and other SAR response organizations in locating craft in distress, this requirement is warranted. In addition, most distress cases are handled by other boaters in the vicinity. By requiring boats to carry a means of signaling their distress, the Coast Guard is improving the chances that a distressed boat will be recognized and assisted by other boats near it.

Finally, research into devices currently carried by boaters as distress signals has uncovered problems of both safety and effectiveness in these signals. Trained personnel have on occasion been injured using some devices. Most of these devices are not Coast Guard Approved, and very few are evaluated by independent parties for safety or effectiveness. The proposed mandatory carriage requirement would be accompanied by a requirement that all such devices be Coast Guard Approved or certified to meet Coast Guard Specifications. This will greatly improve the reliability of the devices used, and decrease the chances of injury to a boater from a defective device.

Both the comments received and data collected by the Coast Guard indicate that this requirement should only apply to coastal waters and the high seas. Coastal waters would be defined as the territorial sea and the Great Lakes, and the bays and sounds which empty into those waters. The territorial sea is the band of water around the coast extending three miles out to sea. The high seas begin there. The requirement as proposed would not extend to coastal rivers. A river or other body of water would be considered to end at the first seaward point where the distance across is less than two miles. If a river or other body of water does not widen to two miles at all then the river or other body of water would be considered to end at a line drawn tangent to its headlands.

Several comments urged that the requirement apply to all waters. However, none provided any data supporting a universal requirement. The arguments in favor of a universal requirement centered on (1) the boater who operates on different bodies of water, and may or may not be aware of the requirement as a result; (2) the occurrence of distress situations on all waters and; (3) the complexity involved in enforcing a non-universal requirement.

While distress situations may occur on all waters, the Coast Guard does not have data that supports a requirement for these devices on all waters. such data is required by section 6 of the Federal Boat Safety Act of 1971 for rulemaking. Second, the Coast Guard does not expect this requirement to pose enforcement problems for either Coast Guard Boarding Officers or state enforcement personnel. There will be minimal reason for confusion about whether a boat must carry the device since the requirement is established by length of boat and a clear description of the waters where it applies. For the night requirement, the period of sunset to sunrise is easily identified, and is the basis of enforcement for current navigation light regulations. The Coast Guard has not encountered enforcement problems with those regulations to date. Finally, the Coast Guard will mount a major campaign to publicize this new requirement before it becomes effective. This will inform the boating public of what the requirement is, where it applies, and what devices meet the requirements.

The daytime requirement will apply to all boats 16 feet in length or larger. The decision to exempt boats under 16 feet from sunrise to sunset was based on several factors. First, SAR data collected by the Coast Guard indicate that these boats comprise only 12-14 percent of Coast Guard SAR cases. Second, data we have and independent surveys both indicate that the larger proportion of these boats operate during daylight and close to shore and are thus more likely to be sighted in a distress situation.

From sunset to sunrise all boats operating on the applicable waters must carry night visual distress signals. This is mandated by the difficulty in locating distressed craft during periods of darkness. Coast Guard SAR data show that the probability of detection at night increases 2 to 3 times when signals are displayed. Boats less than 16 feet long which operate on coastal waters will be well advised to carry these devices at all times in the event they end up on the water past sunset, whether by intent or due to breakdown.

The Advance Notice of Proposed Rulemaking suggested that devices should have a range of one nautical mile by day and three nautical miles by night. Support for this position was nearly unanimous. In addition, the demonstration conducted by the National Boating Safety Advisory Council's Sub-committee on Visual Distress Signals showed that large numbers of devices currently on the market can meet this range standard. Coast Guard SAR data support the three mile/night, one mile/day range standard. Approximately 86 percent of the recreational SAR cases occur within 3 miles of shore. In better than 90 percent of these cases, weather conditions have not been a significant factor hampering visibility. The Coast Guard proposes to incorporate this range standard into the requirement.

The Coast Guard spoke of an "Alerting" and a "Locating" function for signals in the Advance Notice. Very few comments addressed this subject except to note that both were important features for any device. The Coast Guard's assessment of these functions forms one element for decisions concerning device selection for this proposed rule.

Simply stated, the alerting function means that the signal indicates to an observer that the boat displaying the signal is in need of assistance. The locating function means that the signal enables the rescuer, be it the Coast Guard or another boater, to find and identify the boat needing assistance.

The Coast Guard considers range, sea conditions, and atmospheric conditions as critical factors in deciding what devices can meet the alerting and/or locating functions. To a certain extent these functions overlap.

Some devices can be both alerting and locating for a certain range. Beyond that distance, the signal may lose many alerting capabilities, but still can be an effective locator. Sea and atmospheric conditions act to decrease the range for both alerting and locating functions. Any device the Coast Guard would accept would have to serve both alerting and locating functions at a day range of one mile in moderate to poor weather, and a night range of three miles under the same conditions.

Our field tests show that there are devices which serve both the alerting and locating functions for the large majority of recreational boaters. That majority is considered to be those boaters who are within three miles of shore or in sight of another boat when they need assistance. This group represents 86 percent of the Coast guard's SAR cases in a given year. The Coast Guard recognizes that the remaining 14 percent of the SAR cases will have visual signaling needs that are not completely met by this proposed rule. However, we do not feel it is reasonable to impose on the 86 percent requirements which might meet the needs of the extreme 14 percent. Our

experience in the SAR area leads us to the conclusion that within that remaining 14 percent most are prudent seamen who tailor their equipment to their operational needs.

One comment urged the Coast Guard to require both an alerting device and a locating device appropriate for day and/or night use. The Coast Guard has not accepted this suggestion. We must question whether it is reasonable to require the boating public to carry a second device solely for the alerting function, when they are already carrying a device that serves this function for the great majority of SAR cases.

Three other elements, all interrelated, also had to be considered in deciding what devices would meet the proposed rule. These elements were reliability, safety, and cost.

The Coast Guard has concluded on the basis of our tests and research that no one device can be the most reliable, the safest, and have the lowest cost to the boater. Each device has strengths in one or more areas and weaknesses in at least one. There can be no "best" device for all boats, all boaters, or all distress situations.

What the Coast Guard has faced is a series of trade-offs. The goal has been to establish minimum criteria through specifications that all devices must meet in the areas of safety and reliability. At the same time, devices which meet these standards must be available at a cost which will not discourage boaters from buying them, and even more important, using the devices when they are needed.

Some of these criteria have already been discussed in this preamble. The device must serve both the alerting and locating functions for ranges of 1 mile during daytime and 3 miles at night. In addition, it must not pose a hazard to the boater when used or stowed according to the manufacturer's instructions. The Coast Guard estimates minimum initial retail cost to the boater to fully comply with the requirements, both day and night, will be about $10 per boat.

The basic Coast Guard policy in developing these criteria for Visual Distress Signals has been to establish minimum standards applicable to the full range of devices without unduly restricting the choices of consumers in selecting a device best suited to their particular situation, or of the industry in manufacturing devices to meet the demands of many different consumers. Since the Coast Guard proposal represents this minimum requirement, boaters will be expected to weigh the trade-offs involved with various types of signaling devices and exercise their own judgment as to which devices are best suited to their particular needs. The Coast Guard will assist boaters in this regard by acquainting them with the trade-offs involved in device selection through its educational programs. It is anticipated that industry marketing techniques will also contribute to consumer awareness of these trade-offs.

These trade-offs become most apparent when considering the lowest-priced items. Coast Guard data indicates that 3 approved hand-held red flares suitable for day and night signaling or the combination of an approved light for night signaling and an orange flag for day signaling will be the lowest priced items meeting the requirements of this proposed rule.

Considering first the day signal, the flag appears from Coast Guard tests to be as visible as the flare at a range of one mile. On bright days the flag may actually be more visible. The duration of the 500 candle-power flare is only required to be 2 minutes while the flag has indefinite duration. However, the flare is widely recognized as a distress signal and becomes more distinctive under haze conditions. In conclusion, the strong points for the flare appear to be its distinctive signal effectiveness under marginal visibility, and self-contained energy source. The strong points for the flag are its lack of hazards to the user, its long duration as a signal, its low cost, and the fact it is highly visible under very bright sunlight-on-water conditions.

A similar set of trade-offs takes place in weighing the advantages of Coast Guard approved flares and certified distress lights for night use. The flare provides a distinctive signal visible for a greater distance, but the light has longer signal generating duration. As far as shelf life, the flare is acceptable for at least 3 years, while dry cell batteries for the light have a manufacturer rated shelf-life of only 1 year, and thus must be replaced more often with a resultant higher cost. The light does provide the boater with a means of checking the signal, however, simply by turning it on. This is not possible with pyrotechnics. The light poses considerably less hazard to the boater and other occupants of the boat. However, the flares are lower in cost and meet both the day and night requirement, while the light is acceptable in meeting only the night requirement. So, once again, the boater must weigh the advantages of each device in terms of his or her own needs, and then make a choice.

A wide range of devices were suggested by respondents. Pyrotechnic hand-held and aerial flares, pyrotechnic smoke, strobe lights, flags, lights, mirrors, and dye were among those proposed. Mirrors and dye were not incorporated in the proposed rule, although they may be good secondary devices. A mirror is dependent on direct sunlight, which can be absent in many distress situations. The mirrors used at the Matapeake demonstration under thick haze conditions were not seen. Dye is effective in aerial searches, but almost indistinguishable when observed from other surface craft. Since most SAR assistance is from surface craft this device was not incorporated in the proposed rule. The Coast Guard does recommend these devices to the boating public as optional equipment. Under the right conditions they can be very effective.

Safety was a common concern throughout the comments. Some comments, citing a lack of stowage space and potential accessability to children, questioned the desirability of allowing pyrotechnic devices in small boats less than 16 feet long. Several comments addressed the fire hazard of device activation in gasoline-fueled boats. Finally, several States and other Federal Agencies were concerned about the environmental hazards, specifically land fires, which could be caused by pyrotechnic flares and aerials when used close to land.

These concerns, coupled with the lack of data showing significant need, led the Coast Guard to exempt boats under 16 feet (Class A) from the proposed daytime requirements and confine the requirement to coastal waters. However, the Coast Guard does feel that pyrotechnic flares and aerials have definite advantages as distress signal devices.

First, pyrotechnics supply their own energy needs. Unlike lights which need batteries or a flag which uses the light of the sun, a pyrotechnic flare does not need an external energy source. Second, pyrotechnic signals are immediately recognized as distress signals, even by untrained people. This becomes important since half of all distress cases are responded to by other boaters. For these reasons the Coast Guard proposes to accept pyrotechnic flares and aerials.

Under the proposed rule the Coast Guard also would accept orange smoke devices for daytime signals only. Orange smoke has performed very well as a signal in our tests, and is considered by the Coast Guard to be one of the most effective signals for daytime use. Both hand-held and floating devices are permitted by the proposed rule.

Our test results indicate that these devices must be approved, and must emit smoke for at least 50 seconds. Volume and density of the smoke are important factors in the device's effectiveness, and thus will be checked by a test involving use of a photometer and constant air flow through a chamber of fixed volume.

The Coast Guard also proposes to accept an electric hand-held light. This type of device was seen at Matapeake at the 3-mile minimum nighttime range. It was widely supported by

comments on the Advance Notice as well. To meet the requirement, the light must be certified by the manufacturer and tested. Lights must have a self-contained power source, be waterproof, corrosion resistant, equipped with a switch to facilitate signaling S-O-S, meet the intensity requirement of 5,000 candela, and maintain that intensity for 8 hours of continuous use, the duration of an average night. While such requirements will increase the cost of the device, they are essential if the device is to be reliable as a signaling device. Search and rescue incidents have shown that standard aluminum flashlights may corrode out in a period as short as a week when they are in a marine environment.

The Coast Guard feels that batteries and other power sources exist which are adequate to power the light and withstand the marine environment. The two factors of continuous duration and intensity effectively rule out common flashlights using 2 or 3 "D" cell batteries. In general the Coast Guard expects that most manufacturers will utilize lantern batteries of the 6-volt size to power the light. Batteries of this size meeting ANSI Standard C.18.1 have a rated duration of 10-14 hours. They also are much less prone to failure than the smaller "D" or "C" size batteries. The waterproof characteristics of the light will also improve the reliability of the battery by retarding the drying out which is responsible for many dry cell failures.

Some comments opposed flashing white lights or strobe lights being accepted as distress signals. The primary objections were: (1) Possible confusion of distress lights with other lights; and (2) Strobe lights not being sufficiently distinctive to indicate distress to an observer.

The Coast Guard has comments that automatic flashing white lights can be designed to emit a distinctive characteristic as opposed to the common flashing characteristic associated with strobe lights. Such a characteristic would greatly improve the chances that the light would stand out from other lights and be recognized as a distress signal. The characteristic which this proposal would require is the international distress signal S-O-S.

The Coast Guard is aware that many boaters have purchased conventional flashing white lights in the past few years. The lights were marketed as "Collision-avoidance", "Flare-up" or "Distress" lights. However, the Coast Guard cannot accept these flashing lights as distress signals. This decision is based on the fact that there are many flashing lights already present in the marine environment, among which are Aids to Navigation and collision avoidance lights. Because of the many different uses of flashing lights, lights not flashing S-O-S do not provide an alerting function indicating distress. Thus, they cannot satisfy the requirements for a distress signal.

In summary, the Coast Guard feels that the proposed rule adequately answers those objections raised against flashing white lights. The lights produced to the proposed specification will be a definite aid to people in all night rescue situations.

Some comments opposed acceptance of a flag as a visual distress signal. The principal arguments were that (1) it was not sufficiently distinctive at a distance to serve the alerting or locating functions; (2) it would only be visible to observers on the beam of the vessel; and (3) it would give boaters a "false sense of security."

The Coast Guard can recognize the concern that some parties feel concerning this device. However, this was the second most popular device cited by respondents with over 20 percent in favor, as compared to 21 percent supporting flares. At two separate demonstrations at Matapeake, flags were consistently sighted at distances greater than 1 mile, the minimum daytime range. In addition, few of the observers were on the vessel's beam when viewing the flags and banners. Finally, the experience cited by the State of Ohio, which currently requires carriage of a distress flag, indicates that this type of device can be very effective. The Coast Guard proposes to accept a flag that is international orange, at least 3 feet square, with a black square and disc superimposed. Flags of this type are already specified by the Canadian Government as boat distress signals and accepted by the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS).

Several comments urged the acceptance of radios and radio devices in lieu of visual distress signals. Despite the Coast Guard's strong endorsement of radio equipment as a means of alerting others to a distress situation, vessels with radios still need some type of visual signaling capability. This is because most radios depend on an exterior power source, either a battery or engine. A large number of boating mishaps involve loss of power or dead batteries. In such a situation a radio is useless. Emergency Position Indicating Radio Beacons (EPIRBs), which have self-contained batteries, provide an adequate homing signal down to about 1 mile. If there is more than one boat within a mile, the search unit cannot identify, on the basis of the EPIRB signal alone, which is the distressed craft. In addition, most boaters in need of assistance are aided by other boaters. Very few recreational boaters carry EPIRB monitoring or direction finding (df) equipment. As a result, the distressed boater would be unable to alert his most likely source of assistance.

Under the proposed rule of the Coast Guard will accept the following devices, when approved or certified, as meeting the carriage requirements:

Day only—hand held orange smoke; floating orange smoke; orange flag 36"x36" with black disc and square.

Night only—white electric distress light, automatic or manually operated; red aerial flare or meteor.

Day and night—hand held red flare; hand flare/smoke combination; red parachute flare.

Boats 16 feet and over subject to the requirement will be required to have both day and night signaling capability. Boats under 16 feet which operate between sunset and sunrise will be required to have only a night signal.

When a pyrotechnic signal device is selected by the boat operator, a minimum of three must be carried to satisfy the requirement. The Coast Guard proposes this number for the following reasons. First, once a pyrotechnic signal is activated, it has a fixed operating time. It cannot be extinguished and later reactivated. Second, the signal duration of pyrotechnic devices, which can be as short as 6 seconds, suggests that more than one device be carried because it is possible that an observer might not see one signal. Finally, there is no way that a pyrotechnic device can be tested to ensure it is operable. Thus, should one device be defective, a second and third should be available. Production testing and approval procedures will be required to ensure a high level of device reliability.

Also included in the proposed regulation is a prohibition against displaying distress signals "except in a distress situation where assistance is needed." This wording is taken from the 72 COLREGS. Readers should note, however, that this clause in the proposed regulation would apply only to operators of boats when on coastal waters. Shore display as part of training or education programs is permitted. In fact, the Goast Guard encourages training in the use and recognition of these signals.

Safety is a major component in considering any distress signal. The specifications for all devices incorporate safety factors for the potential user. However, it must be recognized that no device is safe when used contrary to stated instructions or procedures. The Coast Guard feels the tests and specifications proposed in the accompanying documents provide a significant margin of safety for the careful and prudent user of the device.

All devices except flags and lights must be approved. Flags must be certified by the manufacturer that they meet Coast Guard specifications for design, size, and color. Lights must

also be certified by the manufacturer that they conform to Coast Guard specifications. However, a prototype light must be tested by the manufacturer before the manufacturer sells the lights as certified.

Many States have restrictions on firearms, and some consider pyrotechnic pistols to be firearms. The list of devices was specifically designed to provide a choice of devices to the boat operator. The States may not modify boating laws to exclude any of the devices the Coast Guard Accepts, or require additional equipment in excess of Coast Guard requirements. This is due to section 10 of the Federal Boat Safety Act. However, in States where firearms laws restrict the marketing or use of some approved devices, other devices are available. The Coast Guard does not consider these State firearms laws to be affected by Federal preemption under section 10 of the FBSA. Thus, boaters must comply with State firearms laws when deciding what visual distress signal to carry.

A final issue with this proposal was its compatibility with the 72 COLREGS. Annex IV of that document specifies distress signals. All the visual distress signals included in this proposal are cited in that Annex. Thus, use of these signals is in agreement with that international treaty.

On May 23, 1977, the National Boating Safety Advisory Council, Visual Distress Signals Subcommittee met at the Maryland Marine Police Academy, Matapeake, Md. This meeting was open to the public and was previously announced in the FEDERAL REGISTER of Thursday, May 5, 1977 (Vol. 42 No. 87 p. 22968). The purpose of the meeting was to review and discuss a Coast Guard draft regulation for Visual Distress Signals.

As a result of this meeting, the Coast Guard received requests to meet with representatives of the Pyrotechnic Signal Manufacturers Association, Inc., and two light manufacturers. The Coast Guard agreed to the meetings in order to receive information concerning industrial ability to meet various technical specifications contemplated by the draft rule. The Coast Guard made no presentation at these meetings nor was there any agreement to change the draft rule in any way. The following meetings were held:

1. 14 June 1977, with representatives of the Pyrotechnic Signal Manufacturers Association, Inc.;
2. 23 June 1977, with representatives of ACR Electronics, Inc.;
3. 13 July 1977, with representatives of the Pyrotechnic Signal Manufacturers Association, Inc.; and
4. 11 August 1977, with a representative of Sea-Life, Inc.

Summaries of these meetings have been made part of the docket and are available for public inspection at the address previously noted.

This proposed regulation was presented to the National Boating Safety Advisory Council on December 14, 1977. This is required by section 6 of the FBSA. After considerable discussion, and with a minority of the council dissenting, a motion was adopted. The motion called on the Coast Guard to publish this proposed rule, with a minimum of 120 days for public comment.

Those council members opposed to the motion were opposed to the rule also. Their objections cited several arguments, but each member's major objections were based on different arguments.

Briefly summarized, these arguments were:

(1) The proposed rule was not demonstrably cost effective in terms of lives to be saved;

(2) An intensive education campaign would induce boaters to carry signals voluntarily, making an additional regulation unnecessary;

(3) Pyrotechnic devices pose unacceptable fire hazards and personnel hazards on boats;

(4) Some of the signals included may be inadequate under certain conditions;

(5) Proliferation of distress signals will lead to misuse and false alarms.

Section 5 of the Act requires at least a 6 month delay before a regulation becomes effective. This 6 month period begins when the regulation is published in the FEDERAL REGISTER as a final rule. The Coast Guard feels this time period will be ample for manufacturers to increase their production of signals. It will also provide sufficient time to widely publicized the regulation among the boating public.

The Coast Guard has viewed the economic impact of this requirement. The Coast Guard estimates on the basis of State registration data and population surveys that approximately 1.9 million boats will be subject to the requirement. Market data the Coast Guard has collected show that the minimum requirement can be met for $10. Prorated over the life of the device, the minimum cost to each boat operator will be about $3.34 per year. Thus, the economic impact of this proposal is expected to be about $19 million for the first 3 years.

In consideration of the foregoing, it is proposed:

1. To amend title 33, Code of Federal Regulations, part 175, by adding subpart C, Visual Distress Signals, which reads as follows:

PART 175—EQUIPMENT REQUIREMENTS

Subpart C—Visual Distress Signals

Sec.

175.101 Applicabilty.
175.103 Definitions.
175.110 Visual distress signals required.
175.112 Number of pyrotechnic signals.
175.113 Launchers.
175.1115 Exceptions.
175.120 Stowage.
175.125 Serviceability.
175.128 Marking.
175.130 Visual distress signals accepted.
175.135 Existing equipment.
175.140 Prohibited use.

AUTHORITY: Sec. 5, 85 STAT. 215; (46 USC 1454); 49 CFR 1.46(n)(1).

* * * * *

Subpart C—Visual Distress Signals

§ 175.101 Applicability.

(a) This subpart applies to boats on the coastal waters of the United States and on the high seas.

§ 175.105 Definitions.

(a) "Visual distress signal" means a device that is approved by the Commandant under 46 CFR part 160 or certified by the manufacturer under 46 CFR parts 160 and 161.

(b) "Coastal Waters" means the Great Lakes and the territorial seas of the United States, and the bays and sounds which empty into those waters. Rivers or other bodies of water, inside of a line drawn tangent to their headlands, are not included in "Coastal Waters" unless the distance across the river or other body of water is over 2 miles. All portions of a river or other body of water seaward of the first point where the distance narrows to 2 miles are included in "Coastal Waters".

§ 175.110 Visual distress signals required.

(a) No person may use a boat 16 feet or more in length or any boat carrying passengers unless visual distress signals suitable for day and night use as listed in § 175.130 or § 175.135, in the number required, are on board.

(b) Between sunset and sunrise, no person may use a boat less than 16 feet in length unless visual distress signals suitable for night use, as listed in § 175.130 or § 175.135, in the number required, are on board.

§ 175.112 Number of pyrotechnic signals.

(a) When a pyrotechnic signal is used to meet the requirement for visual distress signals, a minimum of three of these signals must be carried.

§ 175.113 Launchers.

(a) When the visual distress signal carried to meet the requirements of § 175.110 requires a launcher to activate, then a launcher approved under 46 CFR 160.028 must also be carried.

§ 175.115 Exceptions.

(a) A person competing in a Coast Guard or State approved marine parade, regatta, race, or similar event need not comply with § 175.110 between sunrise and sunset.

(b) A person using a manually propelled boat need not comply with § 175.110 between sunrise and sunset.

§ 175.120 Stowage.

(a) No person may use a boat unless the visual distress signal required by § 175.110 is readily accessible.

§ 175.125 Serviceability.

(a) No person may use a boat unless each signal required by § 175.110 is in serviceable condition and the service life of the signal, as indicated by the date marked on the signal, has not expired.

§ 175.128 Marking.

(a) No person may use a boat unless each signal required by § 175.110 is legibly marked with the approval number or certification statement as specified in 46 CFR parts 160 and 161.

§ 175.130 Visual distress signals accepted.

(a) The following signals, when carried in the number required, can be used to meet the requirements of § 175.110.

TABLE 175.130

Number marked on device	Device description	Accepted for use	Number required to be carried
160.021	Signals, distress, hand red flare, for merchant vessels.	Day and night	3
160.022	Signals, distress, floating, orange smoke (5 min) for merchant vessels.	Day only	3
160.023	Signals, distress, combination flare and smoke, hand, for merchant vessels.	Day and night	3
160.024	Signals, distress, pistol projected parachute red flare, for merchant vessels [1].	do	3
160.036	Signals, distress, hand-held rocket-propelled parachute red flare, for merchant vessels.	do	3
160.037	Signals, distress, hand, orange smoke, for merchant vessels.	Day only	3
160.057	Signals, distress, floating orange smoke (15 min), for merchant vessels.	do	3
160.066	Distress signal for boats, red aerial pyrotechnic flare, parachute assisted [2].	Day and night	3
160.066	Distress signal for boats, red aerial pyrotechnic flare [2].	Night only	3
160.072	Distress signal for boats, orange flag	Day only	1
161.013	Electric distress light for boats	Night only	1

[1] The above item must be used in combination with a suitable launching device approved under 46 CFR 160.028.

[2] Some of these signals may require use in combination with a suitable launching device approved under 46 CFR 160.028.

§ 175.135 Existing equipment.

(a) The following types of nonapproved pyrotechnic devices will be acceptable until June 1, 1979 in meeting § 175.110 so long as they remain in good and serviceable condition and are marked for "marine use".

(1) Pyrotechnic handheld red flares with a minimum candlepower of 500 C.P. for "day and night" signal requirement;

(2) Pyrotechnic aerial red flares, either hand held or pistol projected, for "night only" signal requirement;

(3) Pyrotechnic red parachute flares, either hand held or pistol projected, for "day and night" signal requirement;

(4) Pyrotechnic hand held orange smoke, for "day only" signal requirement.

§ 175.140 Prohibited use.

No person in a boat shall use a visual distress signal on waters to which this subpart applies under any circumstance except a distress situation where assistance is needed.

AUTHORITY: Sec. 5, 85 Stat. 215; (46 U.S.C. 1454); 49 CFR 1.46(n)(1).

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

Dated: April 5, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant

[FR Doc. 78-9470 Filed 4-7-78; 8:45 am]

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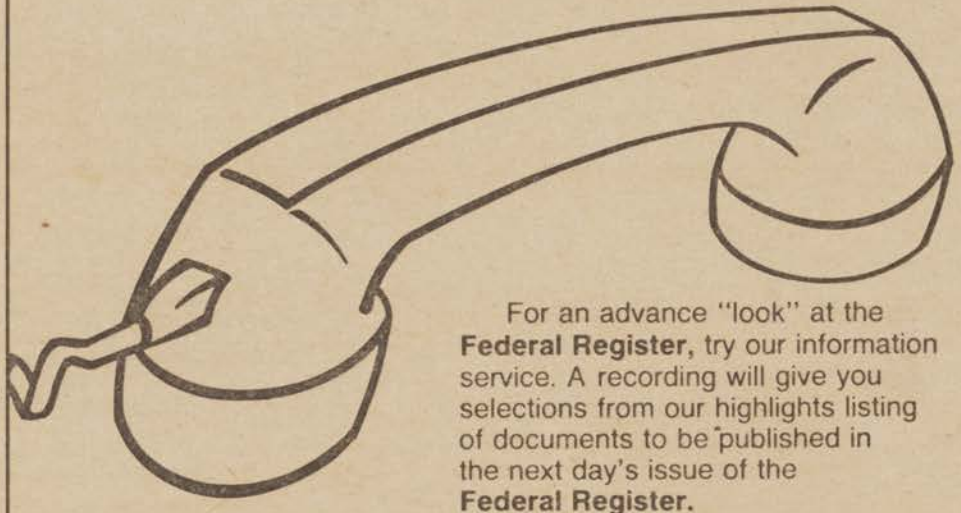

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