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Monday	Tuesday	Wednesday	Thursday	Friday
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	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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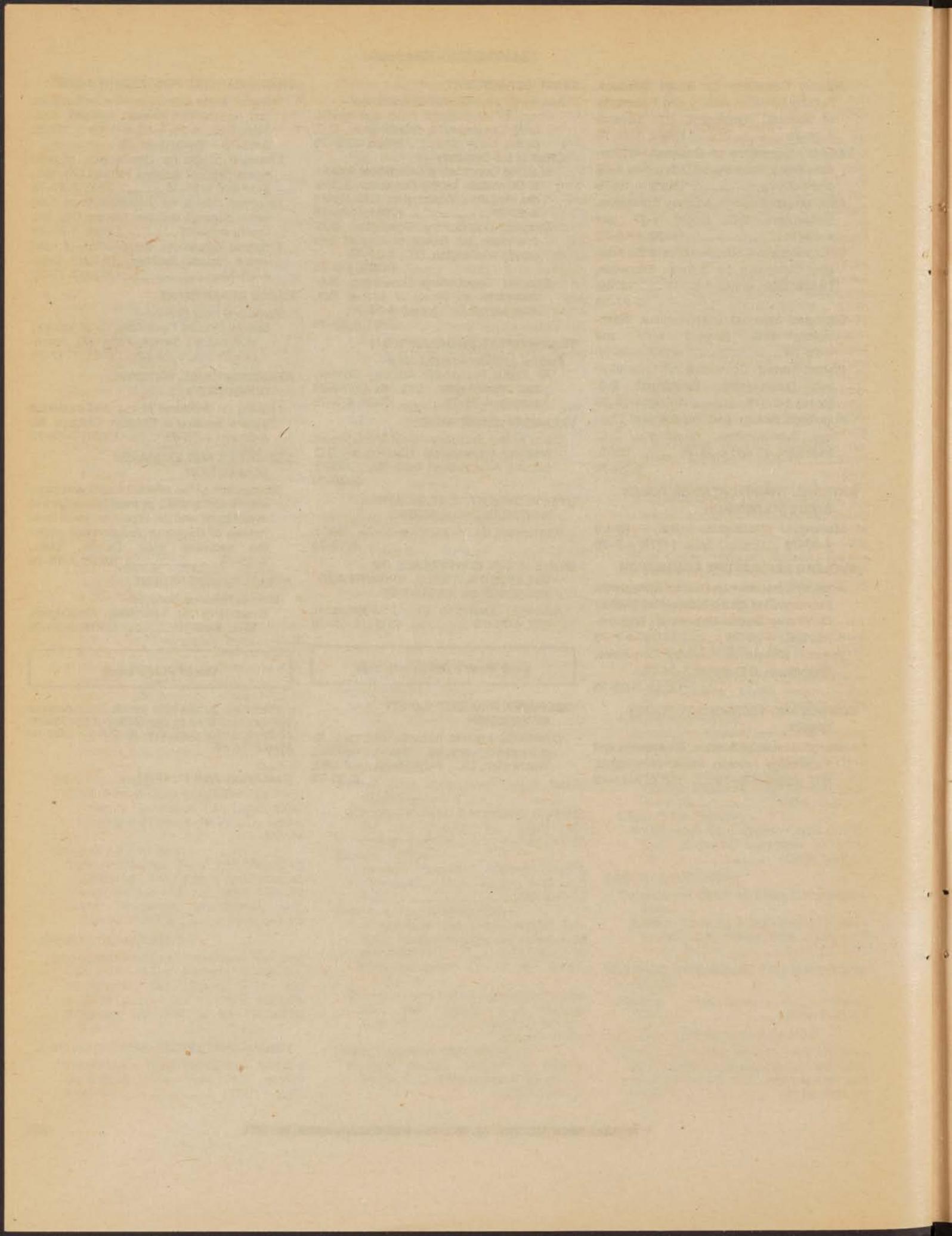
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[3195-01]

## Title 3—The President

PROCLAMATION 4562

# Education Day, U.S.A., 1978

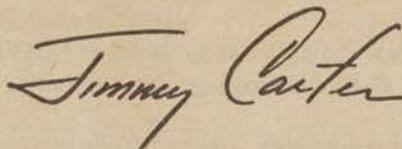
*By the President of the United States of America*

### A Proclamation

On April 13 of this year the Congress of the United States concluded its deliberations on a joint resolution which recognized the need for this Nation to set aside a special day devoted to recognizing the importance of education in the lives of our citizens. To emphasize its commitment, the Congress has authorized and requested the President to issue a proclamation designating April 18, 1978 as Education Day, U.S.A., and calling for its appropriate observance. I am honored to join with the House of Representatives and the Senate in recognizing this need and privileged to comply with their request.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim Tuesday, April 18, 1978, as Education Day, U.S.A. and I ask all Americans to observe that day in such manner as reflects their commitment to education and their recognition of its importance to the welfare of this Nation.

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



[FR Doc. 78-10831 Filed 4-18-78; 2:10 pm]



[3195-01]

PROCLAMATION 4563

# National Oceans Week, 1978

*By the President of the United States of America*

## A Proclamation

Throughout history the ocean has been a magnet for explorers, scientists, merchants, adventurers—and dreamers. Where once the oceans were cloaked in superstition, today we plumb their depths with an amazing array of technological devices, and we are beginning to understand the vital role of the oceans in life on this planet. The world community looks to the oceans as a vital source of food, energy and mineral resources, while they remain crucial to trade as they have been since ancient times.

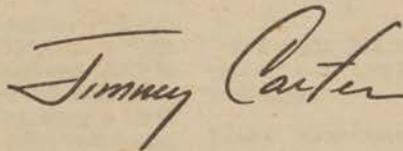
As governments, international organizations and private groups develop plans and programs to harvest some of the riches of the sea, we must also control marine pollution. We must unlock the secrets of the ocean to understand the results of man's activities—not only at sea, but on land as well—which adversely affect sea-life. It is essential that we discover and work with the oceans' capacity to survive misuse. All the peoples of the world must understand that the ocean cannot be subjected to unchecked exploitation, but because our Nation lies between the world's largest oceans, and because of our economic position, the United States has a special responsibility in preventing the deadening of the seas. A careful balance between conservation and commercial development must be achieved if the oceans are to meet the needs of future generations.

In order to increase public awareness of the importance of the oceans of the world, the Ninety-fifth Congress has adopted a joint resolution (S.J. Res. 124) requesting the President to issue a proclamation designating the week of April 16 through April 22, 1978, as National Oceans Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning Sunday, April 16, 1978, as National Oceans Week.

I call upon public officials, users of the oceans and coasts, environmental organizations, industry, the media and civic leaders to join together to make the public aware of the importance of our ocean resources and I urge every American to take the time and trouble to learn about the proper use and management of our marine waters and the wealth of their contents.

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



[FR Doc. 78-10832 Filed 4-18-78; 2:11 pm]

# INTERNATIONAL OCEANIC WORKERS UNION

1918

## CONSTITUTION

The International Oceanic Workers Union is a labor union organized for the purpose of representing the interests of the seafaring men of the world, and of promoting their welfare and the interests of the maritime industry.

The Union shall be organized on a democratic basis, and shall be controlled by the members thereof.

The Union shall have the right to elect its officers and representatives, and to amend its constitution and bylaws.

The Union shall have the right to negotiate with employers for the improvement of the conditions of the seafaring men, and to take such action as may be necessary to enforce its demands.

The Union shall have the right to accept and represent the seafaring men of any nationality, and to take such action as may be necessary to protect their interests.

The Union shall have the right to accept and represent the seafaring men of any race or color, and to take such action as may be necessary to protect their interests.

The Union shall have the right to accept and represent the seafaring men of any religion, and to take such action as may be necessary to protect their interests.

The Union shall have the right to accept and represent the seafaring men of any age, and to take such action as may be necessary to protect their interests.

The Union shall have the right to accept and represent the seafaring men of any sex, and to take such action as may be necessary to protect their interests.

The Union shall have the right to accept and represent the seafaring men of any social class, and to take such action as may be necessary to protect their interests.

The Union shall have the right to accept and represent the seafaring men of any political party, and to take such action as may be necessary to protect their interests.

The Union shall have the right to accept and represent the seafaring men of any country, and to take such action as may be necessary to protect their interests.

The Union shall have the right to accept and represent the seafaring men of any language, and to take such action as may be necessary to protect their interests.

The Union shall have the right to accept and represent the seafaring men of any religion, and to take such action as may be necessary to protect their interests.

The Union shall have the right to accept and represent the seafaring men of any race or color, and to take such action as may be necessary to protect their interests.

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The Union shall have the right to accept and represent the seafaring men of any language, and to take such action as may be necessary to protect their interests.



Secretary of the Union

1918

# rules and regulations

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

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

[4410-10]

## Title 8—Aliens and Nationality

### CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

#### PART 236—EXCLUSION OF ALIENS

#### PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

#### Renewal of Applications for Adjustment of Status in Exclusion Proceedings

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations of the Immigration and Naturalization Service to provide that under certain conditions, an alien under exclusion proceedings may renew an application for adjustment of status which has been denied by a district director. This amendment is needed because an alien in deportation proceedings may renew an application for adjustment which is denied by a district director, whereas an alien in exclusion proceedings cannot. This amendment is intended to extend to aliens under exclusion proceedings the same right to renew an application for adjustment of status as is enjoyed by aliens under deportation proceedings.

EFFECTIVE DATE: April 19, 1978.

#### FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The amendments contained in this order are issued in accordance with 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 (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1.

Under existing 8 CFR 245.2(a)(1), an alien who has been admitted to the

United States and has filed an application for adjustment of status to that of a lawful permanent resident which has been denied by the district director is eligible to renew that application in deportation proceedings brought under section 242 of the Act. Prior to the time an application for adjustment of status is reached for adjudication, an applicant may apply for and be granted authorization for advance parole to reenter the country following a brief absence abroad for emergent, personal or bona fide business reasons in order to pursue the application for permanent residence. However, should the district director deny that application, the applicant as a parolee would be placed under exclusion proceedings under section 236 of the Act. Under the current regulations, he would not be able to renew the adjustment application before the immigration judge. This amendment would permit an alien to renew an application for adjustment before an immigration judge in exclusion proceedings provided two conditions were met. First, the application must have been properly filed subsequent to an earlier admission by the applicant. Secondly, the applicant's return to the United States must have been under the terms of an advance parole authorization on Form I-512 issued to enable him to return here and pursue his adjustment application. This amendment is intended to achieve consistent treatment of adjustment applicants in both exclusion and deportation proceedings. Also, this section will be redrafted for clarity and a corollary and conforming amendment will be made in 8 CFR 245.2(a)(4).

Finally, 8 CFR 236 will be amended by adding a new § 236.4 entitled "Renewal of application for adjustment of status under section 245 of the Act."

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

1. 8 CFR 236 is amended by redesignating existing 8 CFR 236.3 as 8 CFR 236.5. 8 CFR 236.3 is reserved. 8 CFR 236 is further amended by adding a new 8 CFR 236.4. The existing 8 CFR 236.4 is redesignated 8 CFR 236.6 and the third sentence thereof is amended. Existing 8 CFR 236.5 is redesignated 8 CFR 236.7 and the first sentence of paragraph (c) thereof is amended. Existing 8 CFR 236.6 is redesignated 8

CFR 236.8. The amendments to 8 CFR 236 read as follows:

#### § 236.3 [Reserved]

#### § 236.4 Renewal of application for adjustment of status under section 245 of the Act.

An adjustment application by an alien paroled under section 212(d)(5) of the Act, which has been denied by the district director, may be renewed in exclusion proceedings under section 236 of the Act before an immigration judge under the following two conditions: First, the denied application must have been properly filed subsequent to the applicant's earlier inspection and admission to the United States; second, the applicant's later absence from and return to the United States must have been under the terms of an advance parole authorization on Form I-512 granted to permit the applicant's absence and return to pursue the previously filed adjustment application.

#### § 236.6 Finality of order.

When the order of the Immigration Judge is to admit the applicant, or to grant the application for adjustment under the conditions specified in § 245.2(a) of this chapter, the Immigration Judge shall place the applicant on notice that the decision is subject to appeal by the District Director as provided in § 236.7(c).

#### § 236.7 Appeals

(c) *By district director.* The District Director may, within five days from date of decision, appeal from an order of the Immigration Judge to admit the applicant, or grant the application for adjustment.\* \* \*

2. 8 CFR 245.2(a)(1) and the second sentence of (a)(4) are revised to read as follows:

#### § 245.2 Application

(a) *General*—(1) *Jurisdiction.* An alien who believes he meets the eligibility requirements of section 245 of the Act or section 1 of the Act of November 2, 1966, and § 245.1 of this

chapter shall apply to the district director having jurisdiction over his place of residence. After an alien has been served with an order to show cause or warrant of arrest, his application for adjustment of status under section 245 of the Act or section 1 of the Act of November 2, 1966 shall be made and considered only in proceedings under Part 242 of this chapter. An adjustment application by an alien paroled under section 212(d)(5) of the Act, which has been denied by the district director, may be renewed in exclusion proceedings under section 236 of the Act only under the following two conditions: First, the denied application must have been properly filed subsequent to the applicant's earlier inspection and admission to the United States; second, the applicant's later absence from and return to the United States must have been under the terms of an advance parole authorization on Form I-512 granted to permit the applicant's absence and return to pursue the previously filed adjustment application

\* \* \* \* \*

(4) *Decision.* \* \* \* No appeal shall lie from the denial of an application by the district director but such denial shall be without prejudice to the alien's right to renew his application in proceedings under Part 242 of this chapter, or under Part 236 if the alien is a parolee who meets the conditions specified in paragraph (1) above. \* \* \*

\* \* \* \* \*

(Sec. 103; 8 U.S.C. 1103. Interpret or apply sections 236 and 245, 8 U.S.C. 1226 and 1255.)

Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendments made in this order relieve a restriction and confer a benefit on the persons affected thereby.

*Effective date:* The amendments prescribed in this order become effective on April 19, 1978.

Dated: April 13, 1978.

LEONEL J. CASTILLO,  
*Commissioner of Immigration  
and Naturalization.*

[FR Doc. 78-10577 Filed 4-18-78; 8:45 am]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY  
COMMISSION

PART 2—RULES OF PRACTICE

Orders to Show Cause

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its "Rules of Practice" to provide that the Director, Office of Administration may institute a proceeding to modify, suspend, or revoke a license or for such other action as may be proper by serving on the licensee an order to show cause.

DATE: This amendment will be effective on April 19, 1978.

FOR FURTHER INFORMATION  
CONTACT:

Mr. W. O. Miller, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-492-7225.

SUPPLEMENTARY INFORMATION: The amendment of § 2.202 of 10 CFR Part 2 set forth below adds the Director, Office of Administration to the Officials specified therein who may institute a proceeding to modify, suspend, or revoke a license or for such other action as may be proper by serving on the licensee an order to show cause.

Because this amendment relates solely to matters of agency management and procedure, notice of proposed rule making and public procedure thereon are not required by section 553 of title 5 of the United States Code, and the amendment may be made effective April 19, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to title 10, Chapter I, Code of Federal Regulations, Part 2, is published as a document subject to codification.

The prefatory language of paragraph (a) of § 2.202 of 10 CFR Part 2 is amended by adding the words "and Director, Office of Administration," following "Director, Office of Inspection and Enforcement,".

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841).)

Dated at Bethesda, Md., this 3rd day of April 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,  
*Executive Director for Operations.*  
[FR Doc. 78-10394 Filed 4-18-78; 8:45 am]

[6705-01]

Title 12—Banks and Banking

CHAPTER VI—FARM CREDIT  
ADMINISTRATION

PART 613—ELIGIBILITY AND SCOPE  
OF FINANCING

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, took final action to amend its regulations which set forth the eligibility requirements for obtaining Federal land bank and production credit association loans. The amendments to these regulations are being made to clarify that aliens admitted lawfully into the United States for permanent residency qualify for Farm Credit loans. Although it has been the Farm Credit Administration's position that such aliens are eligible to borrow from Federal land banks and production credit associations, it has now been concluded that this issue should be addressed specifically in the regulations. Also clarified is the eligibility of legal entities of which essentially all of the voting control is held by citizens of eligible aliens and which are established under the laws of the United States, any state, Puerto Rico or the District of Columbia.

EFFECTIVE DATE: April 4, 1978.

FOR FURTHER INFORMATION  
CONTACT:

Jon F. Greeneisen, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, SW., Washington, D.C. 20578, 202-755-2181.

SUPPLEMENTARY INFORMATION: By notice published in the FEDERAL REGISTER on February 16, 1978, interested persons were afforded the opportunity to file written comments or suggestions on these proposed amendments. Of the four responses received, three were in favor of the proposals. The fourth comment concerned foreign investments in U.S. farmland. It was answered by letter which emphasized that under the amendment, non-resident aliens are not eligible for credit services from the System. The proposed amendments were adopted by the Federal Farm Credit Board as written.

As adopted, the amendments (1) re-define "person" to include a perma-

nent resident alien; (2) clarify that, to be eligible for Farm Credit financing, essentially all of the stock of a legal entity must be owned by United States citizens or by permanent resident aliens and such entity must have been established under the laws of the United States or any state, Puerto Rico or the District of Columbia; (3) adds May 17, 1972, as the original effective date of the regulations to clarify that legal entities which were borrowers prior to that time and which do not change materially in structure or control and ownership will continue to be eligible for further borrowing; and (4) clarify the word "individual" as it is used to define "rural resident" to include a permanent resident alien. In addition, § 613.3040 (a), (b) and (c) has been restructured for clarity.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising §§ 613.3010, 613.3020 (f); adding § 613.3030 (d); and revising § 613.3040 as follows:

§ 613.3010 Person defined.

For the purposes of determining eligibility under these regulations, a "person" means (a) an individual who is a citizen of the United States or who has been lawfully admitted into the United States for permanent residence and is so domiciled; or (b) a legal entity in which essentially all of the outstanding stock or equity and voting control is directly or indirectly owned by, or held for the benefit of, such individual(s). A "legal entity" means any partnership, corporations, estate, trust, or other entity which is established pursuant to the laws of the United States, or any State thereof, including the Commonwealth of Puerto Rico or the District of Columbia, and which is legally vested with the authority to conduct a business.

§ 613.3020 Farmers and ranchers.

(f) A legal entity which was a borrower otherwise eligible to borrow on May 17, 1972, the original effective date of these regulations, and does not change materially its entity structure or control and ownership will continue to be eligible for further borrowing.

§ 613.3030 Producers or harvesters of aquatic products.

(d) A legal entity which was a borrower otherwise eligible to borrow on May 17, 1972, the original effective date of these regulations, and does not change materially its entity structure on control and ownership will continue to be eligible for further borrowing.

§ 613.3040 Rural residents.

(a) Definitions. For the purposes of nonfarm lending only, the following definitions shall apply:

(1) A rural resident is an individual residing in a rural area who is a citizen of the United States or who has been lawfully admitted into the United States for permanent residence and is so domiciled.

(2) A rural residence is a single-family, moderate-priced dwelling with appropriate appurtenances, which is or will be used as a permanent, year-round home by the applicant and which is located on an appropriate site in a rural area. Rural residences may include conventional housing, modular housing, or mobile homes which are related to a specific real estate site. A moderate-priced dwelling is one which provides adequate housing not in excess of the living standards of persons in the middle range of income, and not inconsistent with the general quality and standards of housing existing in, or planned for, that area of the Farm Credit district. Due to the wide variations in housing costs, income levels and area standards for housing the value of moderate-priced housing will vary.

(3) A rural area is open country which may include any city or village with a population not exceeding 2,500 persons or any rural subdivision whose design is determined to encourage orderly development pursuant to policies adopted by the bank board for such subdivisions. A rural area does not include cities, subdivisions, or villages associated with a larger population center. The intent is to avoid lending in concentrated, high density, residential areas or villages which are a part of an urbanizing area surrounding or immediately adjoining an urban area of a larger population center. Rural areas may include open areas which are undeveloped for housing and still devoted to agricultural use within other political boundaries, including "towns" exceeding 2,500 persons when so designated by the district board and approved by the Farm Credit Administration.

(b) Eligibility. To be eligible to borrow as a rural resident, the applicant shall establish as part of his application for credit that he is, or will become, an owner-occupant of the rural residence for which financing is being sought. He shall not have rural home loans on more than one rural residence at any time.

(c) Scope of financing. Loans may be made to rural residents for the purpose of buying, building, remodeling, improving, repairing rural residences, and refinancing existing indebtedness thereon. No loan shall be made to purchase or construct a rural residence for the express purpose of rental or resale. The total amount of credit that

may be extended by Farm Credit institutions for eligible purposes shall not exceed 85 percent of the appraised value of the rural residence securing the loan.

(Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621.)

DONALD E. WILKINSON,  
Governor,  
Farm Credit Administration.

[FR Doc. 78-10584 Filed 4-18-78; 8:45 am]

[3510-25]

Title 15—Commerce and Foreign Trade

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 373—SPECIAL LICENSING PROCEDURES

Revision of Procedures for Project Licenses, Distribution Licenses, and Service Supply Licenses

AGENCY: Office of Export Administration, Bureau of Trade Regulation, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Service Supply (SL) Procedure is revised to provide for a 2-year extension which may be effected by an amendment to a Service Supply license in lieu of the current 1-year extension. This revision is made to simplify this procedure and decrease the documentary burden on exporters.

EFFECTIVE DATE: April 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

SUPPLEMENTARY INFORMATION: The Service Supply (SL) Procedure (§ 373.7) was established to enable persons or firms in the United States or abroad to provide prompt service for equipment: (a) exported from the United States, (b) produced abroad by a subsidiary, affiliate, or branch of a U.S. firm, or (c) produced abroad by a manufacturer who uses parts imported from the United States in the manufactured product. Currently, a license or other authorization issued under the SL procedure is valid for a period of 1 year, and a new application is required to continue using this procedure. This revision retains the initial 1-year validity period of a Service Supply license or authorization, but permits a request for extension by a simple amendment, without extensive documentation, for

an additional period of up to 2 years. After the 3-year period elapses, a complete new application is required. If approved, however, the license or other authorization will be valid for up to 2 years and may be renewed by simple amendment for another 2-year period.

The Project License procedure (§ 373.2) and the Distribution License procedure (§ 373.3) are also revised editorially to conform to the revisions in the Service Supply (SL) procedures.

Accordingly, the Export Administration Regulations (15 CFR, part 373 et seq.) are amended as follows:

1. In § 373.2 the introductory paragraph is reworded. Paragraphs (e)(1) (i) and (ii) are revised and under (e)(2), paragraph (i) is revised and a new paragraph (iii) is inserted, entitled "Increase in Amount Authorized." Existing paragraphs (iii) and (iv) are to be renumbered as (iv) and (v), respectively.

#### § 373.2 Project License.

A Project License Procedure is established that authorizes exports for a period of 1 year for use in specified activities. This license may be extended for a period of up to 2 years (see paragraph (e)(1) of this section). If the activities for which the License was issued continue to meet the Project License requirements after the 3-year period, a complete new application shall be submitted (see paragraph (c) below). If approved, the license may be valid for a period of up to 2 years and may be renewed once for an additional period of up to 2 years.

(e) *Extensions and amendments of project licenses.*—(1) *Extensions.* (i) *Form to use.* Requests to extend an existing Project License shall be submitted on a Request for and Notice of Amendment Action, Form DIB-685P, supported by the following certification:

I (We) certify that all the facts and intentions set forth in our previous application remain the same, except (enter the word "none," or specify the changes).

This extension will be valid for a period of 2 years unless a shorter validity period is requested. In the years when the exporter is not entitled to file the request for extension by amendment, a complete new application must be submitted in accordance with the provisions of paragraph (c)(2) of this section.

(ii) *When to apply.* An extension request should be submitted to the Office of Export Administration from 60 to 90 days before the expiration date in order to avoid interruption of shipments under the license.

(2) *Amendments.* (i) *Form to use.* All requests for amendment shall be submitted on Form DIB-685P in the usual manner (see § 372.11), including those requests to extend the validity period (see paragraph (e)(1) of this section).

(iii) *Increase in amount authorized.* Requests to increase the amount authorized on the Project License may be submitted on a Request for and Notice of Amendment Action, Form DIB-685P, at any time during the validity period of the license. No amendment is needed to add a commodity section or change the total estimated value of a commodity section unless the grand total value of all shipments shown in the statement of estimated amounts needed will be exceeded.

2. Revision is made to § 373.3 by changing the introductory paragraph and by entirely revising paragraph (k) of that section.

#### § 373.3 Distribution License.

A Distribution License Procedure is established that authorizes exports for a period of 1 year of certain commodities under an international marketing program to consignees that have been approved in advance as foreign distributors or users. This license may be extended for a period of up to 2 years (see paragraph (k)(1)(i) of this section). If the activities for which the Distribution License was issued continue to meet the Distribution License requirements after the 3-year period, a complete new application shall be submitted. If approved, the license may be valid for a period of up to 2 years, and may be renewed once for an additional period of up to 2 years. The Distribution License procedure is subject to the South African and Namibian limitations in § 373.1.

(k) *Extensions and amendments of distribution licenses.*

(1) *Extensions.*—(i) *Form to use.* Requests to extend an existing Distribution License shall be submitted on a Request for an Notice of Amendment Action, Form DIB-685P, supported by the following certification:

I (We) certify that all the facts and intentions set forth in our previously submitted comprehensive narrative statement remain the same, except (enter the word "none," or specify the changes).

The extended validity period will be of 2-year duration unless a shorter period is specifically requested. In the years when the exporter is not entitled to file a request for extension by amendment, a complete new application must be submitted in accordance with

the provisions of paragraph (d)(3) of this section.

(ii) *When to apply.* An extension request should be submitted to the Office of Export Administration from 60 to 90 days before the expiration date in order to avoid interruption of shipments under the license.

(iii) *Action by Office of Export Administration.* Each extension request is analyzed by the Office of Export Administration as to the past license activity to determine whether an extension is justified. Prior to asking for an extension the licensee should examine his own records to see if the criteria described in paragraph (c)(2) of this section were met during the initial validity of the license. If not the licensee should apply for an individual or other appropriate type of license instead of an extension of the Distribution License. When action has been taken by the Office of Export Administration, this form will be returned to the licensee for retention in his files.

(2) *Amendments.* (i) *Form to use.* All requests for amendment shall be submitted on Form DIB-685P in the usual manner (see § 372.11), including those requests to extend the validity period (see paragraph (k)(1)(i) of this section).

(ii) *New consignees.* If the exporter desires to add a new consignee, he should file a Form DIB-678 together with a Request for and Notice of Amendment Action, Form DIB-685P, in accordance with the provisions of § 372.11. If the new consignee is a foreign government agency, a Form DIB-678 need not be submitted, but this fact must be entered in the "Amend License to Read as follows" space in the Form DIB-685P.

3. Revise the introductory paragraph and paragraph (n) of § 373.7 as follows:

#### § 373.7 Service supply (SL) procedure.

A procedure is established to enable persons or firms in the United States or abroad to provide prompt service for equipment exported from the United States, produced abroad by a subsidiary, affiliate, or branch of a U.S. firm, or produced abroad by a manufacturer who uses parts imported from the United States in the manufactured product. The initial license or other authorization will be for a period of 1 year. This license or authorization may be extended for a period of up to 2 years. If the activities for which the license or other authorization was issued continue to meet the Service Supply (SL) procedure requirements after the 3-year period, a completely new application shall be submitted. This license or other authorization may be valid for a period of up

to 2 years, and may be extended for an additional period of up to 2 years.

(n) *Extensions and amendments of service supply licenses and reexport authorizations.* (1) *Extensions.*—(i) *Form to use.* Requests to extend the validity period of an existing Service Supply License shall be submitted on a Request for and Notice of Amendment Action, Form DIB-685P, supported by the following certification:

I (We) certify that all the facts and intentions set forth in our previously submitted comprehensive narrative statement remain the same, except (enter the word "none," or specify the changes).

The extended validity period will be of 2-year duration unless a 1-year period is specifically requested. For those service facilities that are designated by U.S. exporters, extension of the validity period for 2 years may also be requested on Form DIB-685P with the appropriate certification attached, as cited above. Foreign manufacturers approved as a service facility may furnish a letter requesting the 2-year extension in lieu of Form DIB-685P with appropriate certification attached. In the years when the exporter is not entitled to file the request for extension by amendment, a complete new application must be submitted in accordance with the provisions of paragraph (d)(1)(ii) of this section.

(ii) *When to apply.* An extension request should be submitted to the Office of Export Administration from 60 to 90 days before the expiration date in order to avoid interruption of shipments under the license.

(2) *Amendments.* (i) *Form to use.* All requests for amendments shall be submitted on Form DIB-685P in the usual manner (see § 372.11), including those requests to extend the validity period (see paragraph (n)(1)(i) of this section).

(ii) *When to apply.* A person or firm desiring to increase the amount authorized for export under the SL Procedure may do so at any time during the validity period of the license.

(iii) *Action by Office of Export Administration.* Each extension request is analyzed by the Office of Export Administration as to the past license activity to determine whether an extension is justified. Prior to asking for an extension the licensee should examine his own records to see if the criteria described in paragraph (d)(1)(i) of this section were met during the initial validity of the license. If not, the licensee should apply for an individual or other appropriate type of license instead of an extension of the Service Supply License. When action has been taken by the Office of Export Administration, this form will be returned to the licensee for retention in his files.

(Sec. 4, Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization Order 10-3, dated December 4, 1977, 42 FR 64721 (1977); and Industry and Trade Administration Organization and Function Order 45-1, dated December 4, 1977, 42 FR 64716 (1977).)

Dated: April 14, 1978.

STANLEY J. MARCUSS,  
Deputy Assistant Secretary  
for Trade Regulation.

[FR Doc. 78-10611 Filed 4-18-78; 8:45 am]

[3510-25]

**PART 375—DOCUMENTATION REQUIREMENTS**

**Increase in Value Exemption for Submission of International Import Certificates and Statement by Ultimate Consignee and Purchaser**

AGENCY: Office of Export Administration, Bureau of Trade Regulation, Department of Commerce.

ACTION: Final rule.

SUMMARY: This revision raises the ceiling on the value of commodities entitled to an exemption from the consignee statements and International Import Certificates required in connection with certain export license applications. The old ceiling was \$2,200. The new one is \$3,300. This change is made in order to reflect the general increase in price levels since the \$2,200 exemption was instituted.

EFFECTIVE DATE: April 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-4196.

SUPPLEMENTARY INFORMATION: The documentation requirements of the Export Administration Regulations state that a Form DIB-629, Statement by Ultimate Consignee and Purchaser, or an International Import Certificate must be submitted with certain specified export license applications. There is an exemption, however, when the total value of all commodities on an application classified under a single entry on the Commodity Control List is less than \$2,200. This exemption is now increased to \$3,300 to reflect the impact of inflation on the price of goods exported.

As in the past, if a multiple transactions International Import Certificate specifies the value of commodities, all export license applications citing this document, including those applications covering commodities valued at less than the exemption, now \$3,300,

will be charged against the amount specified.

The requirements for the submission of Swiss Blue Import Certificates and Yugoslav End-Use Certificates do not include exemptions based on value and, therefore, are not affected by this revision.

Accordingly, part 375 of the Export Administration Regulations (15 CFR part 375) is revised as follows:

§ 375.2 [Amended]

1. The first sentence of § 375.2(b)(2) and the last sentence of § 375.2(e)(6) are revised by deleting "\$2,200" and inserting "\$3,300".

§ 375.3 [Amended]

2. Section 375.3(d)(1) is revised by deleting "\$2,200" and inserting "\$3,300", and the second sentence of § 375.3(g)(2) is revised by deleting "\$2,200" and inserting "\$3,300".

(Sec. 4, Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization Order 10-3, dated December 4, 1977, 42 FR 64721 (1977); and Industry and Trade Administration Organization and Function Order 45-1, dated December 4, 1977, 42 FR 64716 (1977).)

Dated: April 14, 1978.

STANLEY J. MARCUSS,  
Deputy Assistant Secretary  
for Trade Regulation.

[FR Doc. 78-10612 Filed 4-18-78; 8:45 am]

[4210-01]

**Title 24—Housing and Urban Development**

**CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM**

[Docket No. FI-3447]

**PART 1917—APPEALS FROM FLOOD ELEVATION, DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the City of Floodwood, St. Louis County, Minn.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Floodwood, St. Louis County, Minn. These base (100-year) flood elevations are the basis for the flood plain manage-

ment measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Floodwood, Minn.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Floodwood, are available for review at City Hall, Floodwood, Minn.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Floodwood, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Louis River.....	5th Ave. and County State Aid Highway 8 Bridge	1,245
East Savanna River.	Burlington Northern Inc. RR. Bridge.	1,244
	U.S. Highway 2 and Minnesota Trunk Highway 73.	1,244
Floodwood River...	Elm St. and Minnesota Trunk Highway 73 Bridge.	1,245

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10160 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3697]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

#### Final Flood Elevation Determinations for the City of Hannibal, Marion County, Mo.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the city of Hannibal, Marion County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Hannibal, Mo.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Hannibal, are available for review at City Hall, Fourth and Broadway, Hannibal, Mo.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Hannibal, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the

Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River ...	Mark Twain Memorial Bridge.	478
	Norfolk & Western RR. Bridge.	478
Mills Creek.....	Lindell Ave .....	484
	Johnson St. (extended)..	498
Minnow Branch ....	Burlington Northern RR. (upstream side).	491
	Lamb Ave .....	514
	James Rd .....	534
	Westerly Rd .....	570
Unnamed tributary to Bear Creek.	Hannibal New London Rd.	524
	U.S. Highway 61 (upstream side).	540

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10161 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3450]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

#### Final Flood Elevation Determinations for the City of Kearney, Clay County, Mo.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the city of Kearney, Clay County, Mo. These base (100-year) flood elevations are the basis for

the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Kearney, Clay County, Mo.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Kearney are available for review at City Hall, Kearney, Mo.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Kearney, Clay County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clear Creek .....	At eastern corporate limits.	786
	200 ft downstream of Grove St.	791
	200 ft upstream of Grove St.	793
	200 ft downstream of Interstate 35.	797
	200 ft upstream of Interstate 35.	800
	At State Highway 33.....	803
	At western corporate limits.	804

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10162 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-37361]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the City of Old Monroe, Lincoln County, Mo.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the city of Old Monroe, Lincoln County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Old Monroe, Lincoln County, Mo.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Old Monroe are available for review at City Hall, 1st and Walnut, Old Monroe, Mo.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Old Monroe, Lincoln County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added

section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Culvre River.....	At eastern corporate limits, 775 ft downstream of Burlington Northern RR.	445
	Just upstream of Route 79.	447
	At intersection of Culvre and 2d Sts.	447

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10163 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-35651]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Town of Hudson, Hillsborough County, N.H.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the town of Hudson, Hillsborough County, N.H. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in

order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Hudson, Hillsborough County, N.H.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Hudson, Hillsborough County, N.H., are available for review at Town Hall, Hudson, N.H.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Hudson, Hillsborough County, N.H.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Merrimack River...	Upstream of Chalifoux Rd. (extended).	110
	Upstream of Route 111 bridge, west.	114
	Tolles St. (extended) .....	115
	Upstream of St. Laurent Dr. (extended west of Webster St.).	115
Second Brook .....	Upstream of River View Street Bridge, abandoned.	113
	Upstream of Winhaven Drive Bridge.	143
	Upstream of Lowell Rd. (State Route 3A) bridge.	148
	Upstream of Pelham Rd. culvert.	168

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Limit Brook.....	Deserted Road Bridge ....	110
	Pine Rd. (extended west of River Rd.).	113
Beaver Brook.....	Northeast corporate limit, Pelham County.	165
	Upstream of Windham Road Bridge.	173
	Upstream of State Route 111 bridge.	175

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10164 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-2574]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Township of Cherry Hill, N.J.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base flood evaluations (100-year flood) are listed below for selected locations in the township of Cherry Hill, N.J. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** On publication of the Flood Insurance Rate Map for the township of Cherry Hill, N.J.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Cherry Hill are available for review at Township Hall, 820 Mercer Street, Cherry Hill, N.J.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Sev-

enth Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Cherry Hill, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community. Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	
Cooper River.....	Cuthbert Rd.....	13	
	Kings Highway .....	20	
	Patco RR .....	37	
	Interstate 295.....	41	
	Evesham Rd .....	42	
	North branch, Cooper River.	Park Blvd.....	17
		Kings Highway .....	21
	Tindale Run.....	Brace Rd .....	23
		Covered Bridge Rd.....	26
		Interstate 295.....	34
New Jersey Turnpike.....		38	
Evans Lane .....		45	
Cropwell Rd .....		53	
Evesham Rd .....		70	
Tindale Run.....		Haddonfield-Berlin Rd...	35
		Mansfield Blvd.....	44
Tributary No. 1 .....		Rapid transit .....	43
	Burnt Mill Rd .....	45	
	Haddonfield-Berlin Rd...	52	
Tributary No. 2 .....	Rapid transit.....	42	
	Burnt Mill Rd .....	44	
	Dumas Rd .....	49	
	Evesham Rd .....	61	
	South branch, Pennsauken Creek.	Moorestown Pike.....	13
		Coopertown Rd.....	17
		New Jersey Route 38 .....	24
		New Jersey Route 41 .....	30
		Church Rd.....	34
		Interstate 295.....	40
New Jersey Turnpike.....		44	
Green Tree Rd.....		58	
New Jersey Route 70 .....		79	

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10165 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3660]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the City of Tucumcari, Quay County, N. Mex.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Tucumcari, Quay County, N. Mex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Tucumcari, Quay County, N. Mex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Tucumcari, Quay County, N. Mex., are available for review at City Hall, Office of the City Engineer, Tucumcari, N. Mex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Tucumcari, N. Mex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for

a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Arroyo 3.....	Just downstream of Rock Island St. Bridge.	4,073
Arroyo 4 (Tucumcari Draw).....	Approximately 90 ft downstream of Mountain Road Bridge.	4,026
Arroyo 5.....	Tucumcari Blvd. (U.S. Highway 66) Bridge.	4,021
Arroyo 6.....	Just upstream of U.S. Highway 66 Bridge.	4,082
Arroyo 6A.....	Downstream of U.S. Highway 66 Bridge.	4,092
Arroyo 6A.....	Just upstream of eastbound lane of U.S. Highway 66 Bridge to Interstate Highway 40.	4,101
Arroyo 7 (Bluewater Creek).....	Interstate Highway 40 Bridge.	4,082
Arroyo 7B.....	Just downstream of southern corporate limits.	4,112
Arroyo 7C.....	Approximately 100 feet downstream of Interstate Highway 40 Bridge.	4,118
	Just upstream of U.S. Highway 66 Bridge.	4,139

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10166 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3042]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Town of Ischua, Cattaraugus County, N.Y.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for se-

lected locations in the town of Ischua, Cattaraugus County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Ischua, Cattaraugus County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Ischua, Cattaraugus County, N.Y., are available for review at the Ischua Town Clerk's Office, Dutch Hill Road, Ischua, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Ischua, Cattaraugus County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Ischua Creek.....	Downstream corporate limits.	1,472
	Farwell Rd.....	1,496
	Hatch Hill Rd. (extended).	1,502
	Old Dutch Hill Rd.....	1,522
	Marvin Corner Rd. (extended).	1,527
	Baxters Mill Rd.....	1,528
	Upstream corporate limits.	1,544

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10167 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3460]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

#### Final Flood Elevation Determinations for the Town of Oyster Bay, Nassau County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Oyster Bay, Nassau County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Oyster Bay, Nassau County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Oyster Bay, Nassau County, N.Y., are available for review at the lobby of the Town Hall, Audrey Avenue, Oyster Bay, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Oyster Bay, Nassau County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub.

L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Massapequa Creek..	Massapequa Lake .....	8
	Sunrise Highway .....	12
	Long Island RR .....	12
	Clark St .....	18
	Foot bridge at Chicago Ave. (extended) .....	19
	Foot bridge at Rhode Island Ave. (extended) .....	25
	Foot bridge at Walnut St (extended) .....	34
	Linden St .....	36
	Southern State Highway .....	38
	Foot bridge at 10th St. (extended) .....	41
Tributary No. 1 .....	Confluence with Massapequa Creek .....	39
	Foot bridge .....	40
Tributary No. 2 .....	Confluence with Massapequa Creek .....	41
	Bethpage Parkway .....	41

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10168 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3270]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

#### Final Flood Elevation Determinations for the City of Charlotte, Mecklenburg County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Charlotte, Mecklenburg County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Charlotte, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Charlotte, are available for review at City Hall, 600 East Trade Street, Charlotte, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Charlotte, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sugar Irwin Creek	Nevin Rd. 1 .....	726
	Dalecrest Dr .....	707
	Starita Rd .....	705
	I-85 1 .....	705
	Statesville Ave .....	670

[4210-01]

[Docket No. FI-3621]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Town of Elkin, Surry County, N.C.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Elkin, Surry County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Elkin, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevation for the town of Elkin, are available for review at Town Hall, 116 East Market Street, Elkin, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Elkin, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sugar Irwin Creek	La Salle St	670
	I-77 (station 175,000) <sup>2</sup>	658
	I-77 (station 169,650) <sup>2</sup>	650
	West 5th St	648
	West 4th St	648
	Southern Ry	645
	West Morehead St	641
	Walnut Ave	637
	Independence Blvd	634
	Southern RR	633
	West Blvd	630
	Remount Rd <sup>1</sup>	629
	Barringer Dr	620
	Clanton Rd	615
	Southern Ry	606
	Yorkmount Rd	602
	York Rd	585
	Arrowood Rd	578
	I-77 (station 108,390) <sup>2</sup>	568
	Nations Fork Rd <sup>1</sup>	562
Kennedy Branch	Confluence with Sugar Irwin Creek	670
Stewart Creek	North Hoskins Rd	693
	I-85	684
	Southwest Blvd	676
	La Salle St	672
	Northwest Expressway	669
	Seaboard Coastline RR <sup>1</sup>	667
	West Trade St	660
	Rozzelles Ferry Rd	657
	Piedmont Northern RR	650
	State St	646
	Tuckaseegee Rd <sup>1</sup>	644
	Freedom Dr	638
	Morehead St	637
Stewart Creek tributary No. 1	Berryhill Rd	655
	Piedmont Northern RR	639
Stewart Creek tributary No. 2	Lander St <sup>1</sup>	690
	Gallagher St <sup>1</sup>	683
	Lakewood Dr	678
	Parkway Ave	663
	Coronet Way	657
Stewart Creek tributary No. 3	Hoskins Rd	720
	Piedmont Northern RR	708
	I-85	690
Irwin Creek tributary	Fieldcrest Rd	624
Taggart Creek	Denver Ave	687
	Mulberry Church Rd	687
	Wilson Blvd	684
Kings Branch	I-77 <sup>1</sup>	639
	Archdale Dr	619
	Arrowood Rd <sup>1</sup>	597
Little Sugar Creek	Kentbrook Dr	719
	Wellingford St	716
	North Tryon St	712
	Sugar Creek Rd	704
	Craighead Rd	695
	East 36th St	693
	Southern Ry. (station 93,800) <sup>2</sup>	691
	Southern Ry. (station 91,880) <sup>2</sup>	685
	Brevard St	680
	North Davison St	676
	Parkwood Ave <sup>1</sup>	676
	East 18th St	668
	Seaboard Coast Line RR <sup>1</sup>	668
	Northwest Freeway <sup>1</sup>	659
	Elizabeth Ave	648
	4th St	646
	3d St	643
	Independence Blvd	641
	East Morehead St	633
	Brunswick Ave	630

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Sugar Creek	East Blvd	624
	Princeton Ave	616
	Hillside Ave	611
	Brandywine Ave <sup>1</sup>	607
	Woodlawn Rd	603
	Park Rd	593
	Tyvola Rd	588
	Archdale Rd	580
	Sharon Rd. West	563
Derita Branch	West Craighead Rd	714
	North Tryon St	693
Dairy Branch	Cumberland Ave	626
Briar Creek	Plaza Rd <sup>1</sup>	711
	Shamrock Dr	681
	Eastway Dr	680
	Country Club Dr	674
	Central Ave	657
	Commonwealth Ave	653
	Independence Blvd	652
	Seaboard Coast Line RR	645
	East 7th St	640
	Randolph Rd	632
	Providence Rd	625
	Sharon Rd	623
	Colony Rd	615
	Barclay Downs Dr	600
	Park Rd	592
	Galway Dr <sup>1</sup>	707
Briar Creek tributary No. 2	Grafton Dr <sup>1</sup>	697
Briar Creek tributary No. 1	Colony Rd	617
	Barclay Downs Dr <sup>1</sup>	601
Little Hope Creek	Woodlawn Rd	623
	Montford Dr	619
	Mockingbird Lane	615
	Seneca Pl <sup>1</sup>	612
Little Hope Creek tributary	Bradbury Dr	622
McMullen Creek	Addison Dr	667
	Lyncrest Pl	667
	Randolph Rd	659
	Providence Rd	644
	Arborway	631
	Fairview Rd	623
	Colony Rd	610
	Sharon View Rd	605
McMullen Creek	Mountain Brook Rd	597
McMullen Creek tributary	Sharon Amity Rd <sup>1</sup>	687
	Addison Dr <sup>1</sup>	670
Campbell Creek	Albemarle Rd	700
	Executive Center Dr	695
	Idlewild Rd <sup>1</sup>	678
	Margaret Wallace Rd	595
Edward's Branch	Sheffield Dr	697
	Woodland Dr	692
	Independence Blvd. (upstream crossing)	676
	Independence Blvd. (downstream crossing)	659
	Briar Creek Rd	652

<sup>1</sup>Upstream side of road.  
<sup>2</sup>Station is stream distance in feet above mouth.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10169 Filed 4-18-78; 8:45 am]

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yadkin River	I-77	893
	South Bridge St.	900
	Corporate limits	905
Elkin River	Southern R.R.	901
	North Carolina State Road (N.C.S.R.) 268	912
	Corporate limits	931
Tributary E-1	N.C.S.R. 268	908
Dutchmans Creek	do.	895
	Hill St.	1,029
	Claremont Dr.	1,055
Tributary D-1	Brookwood Rd.	960
	Dutchman Rd.	1,007

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (39 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10170 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-2948]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the City of Raleigh, N.C.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the city of Raleigh, N.C. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the city of Raleigh, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Raleigh are available for review at city hall, Raleigh, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Raleigh.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Crabtree Creek	U.S. 64 <sup>1</sup>	200
	Lassiter Mill Rd.	220
	U.S. 70	235
	Duraleigh Rd. <sup>1</sup>	248
Marsh Creek	Sunnybrook Rd. <sup>1</sup>	208
	Ingram Dr.	230
	Millbrook Rd.	255
	Old Wake Forest Rd.	284
New Hope tributary to Marsh Creek	New Hope Church Rd.	252
	Waterbury Dr.	277
Millbrook tributary to Marsh Creek	Marsh Dr.	252
	Millbrook Rd.	271
Pigeon House Branch	Wake Forest Rd.	214
	Downtown Blvd. and U.S. 1 and 401 <sup>1</sup>	248
	Peace St.	274
Big Branch	Hardmont Rd.	233
	Compton Dr.	254
	Purdue St.	282
	Millbrook Rd. <sup>1</sup>	288
Lakemont tributary to Big Branch	Latmer Rd.	290
Beaverdam Creek	Lassiter Mill Rd.	220
	Scotland St.	220
	Fairview Rd.	270
Southeast prong of Beaverdam Creek	Churchill Rd.	296
	Wade Ave.	321
	Cambridge Rd.	269
Southwest prong of Beaverdam Creek	Lewis Farm Rd.	304
	Churchill Rd.	316
	Wade Ave.	347
Mine Creek	North Hills Dr.	232
	Lynn Rd.	275
Lynn Road tributary to Mine Creek	Lead Mine Rd.	310

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Fork Mine	Long St.	307
	6 Fork Rd. <sup>1</sup>	313
	SR 2016 <sup>1</sup>	329
House Creek	Blue Ridge Rd. <sup>1</sup>	236
	U.S. 1, 64 <sup>1</sup>	248
Hare Snipe Creek	Rembert Dr. <sup>2</sup>	267
	Pleasant Grove Church Rd.	293
	Leesville Rd. <sup>1</sup>	301
Richland Creek	SR 1649 <sup>1</sup>	269
	SR 1650	299
	I-40 <sup>1</sup>	348
	Trinity Rd.	371
Medfield tributary	I-40 <sup>1</sup>	335
Richland Creek	Trinity Rd.	365
Walnut Creek	SR 2551	182
	Sunnybrook Rd.	199
	Rose Lane	209
	State St.	228
	Old Fayetteville St.	236
	N&S RR	255
	Franklin Rd. <sup>1</sup>	353
	Buck Jones Rd.	383
Rocky Branch	U.S. 70 and 401, N.C. 50.	235
	Fayetteville St.	243
	Boylard Dr. <sup>1</sup>	265
	Western Blvd.	303
	Pullen Park RR <sup>2</sup>	317
Neuse River	Crabtree Creek confluence.	185
	Norfolk and Southern R.R.	185
	U.S. Route 64	187
	Millburn Dam	188
	Extraterritorial limit (upstream).	193
Perry Creek	U.S. 1 <sup>2</sup>	233
	SCL RR <sup>2</sup>	253
	Kitchford Rd. <sup>2</sup>	266
	Hunting Ridge Rd.	281

<sup>1</sup>Downstream side of road.  
<sup>2</sup>Upstream side of road.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (39 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10171 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3472]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the City of Cleveland, Cuyahoga County, Ohio**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Cleve-

land, Cuyahoga County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Cleveland, Cuyahoga County, Ohio.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Cleveland, Cuyahoga county, Ohio, are available for review at the Auditorium "B" of the Department of Public Utilities, 201 Lakeside Avenue, Cleveland.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Cleveland, Cuyahoga County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Creek.....	Confluence with Cuyahoga River.	591
	Upstream of Jennings Rd.	594
	Upstream of private drive.	605
	Downstream of Pearl Rd.	613

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Upstream of Pearl Rd.....	620
	Fulton Rd .....	627
	Downstream of drop structure.	642
	Upstream of drop structure.	669
	18,500 ft above mouth ....	679
	18,800 ft above mouth ....	700
Big Creek tributary.	I-71.....	720
	Bellaire Rd .....	728
	6,900 ft above mouth .....	732
	Retaining basin.....	765
	ConRail.....	769
	Brookpark Rd .....	773
Cuyahoga River ....	Maine Ave .....	576
	West 3d St .....	578
	Upstream of Clark Ave...	578
	Norfolk & Western RR., 34,000 ft above mouth.	586
	Harvard Ave .....	590
	46,900 ft above mouth ....	596
Mill Creek .....	Downstream of ConRail, 10,400 ft above mouth.	660
	Upstream of ConRail, 13,400 ft above mouth.	698
	Downstream of waterfall.	713
	Upstream of waterfall ....	762
	Upstream of Warner Rd..	777
	Upstream of Pedestrian Bridge.	789
Doan Brook.....	Downstream limit of detailed study.	715
	Upstream of East Blvd ...	778
	2,400 ft above mouth .....	788
Euclid Creek .....	Confluence with Lake Erie.	576
	Upstream of Lake Shore Blvd.	585
	Upstream of I-90 .....	596
	Upstream of ConRail.....	609
	Upstream of St. Clair Ave.	612
	11,500 ft above mouth ....	625

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10172 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3470]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the City of Louisville, Stark County, Ohio**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for se-

lected locations in the city of Louisville, Stark County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Louisville, Stark County, Ohio.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevation for the city of Louisville, Stark County, Ohio, are available for review at the lobby of the Louisville City Hall, 215 South Mill Street, Louisville, Ohio.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Louisville, Stark County, Ohio

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
East branch, Nimishillen Creek.	State Highway 153 .....	1,105
	North Chapel St.....	1,107
	Nickelplate Ave.....	1,111
Tributary No. 1 ....	Chapel St .....	1,108
	South St.....	1,130
	Nickelplate Ave.....	1,131
	Broad St.....	1,141
	Brookfield St.....	1,154

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10173 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3740]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

#### Final Flood Elevation Determinations for the Village of Manchester, Adams County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Manchester, Adams County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Manchester, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations, for the village of Manchester, are available for review at Village Hall, 4th and Pike Street, Manchester, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Manchester, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added

section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River .....	Intersection of 2d and Main Sts.	520
	Intersection of 2d St. and Broadway.	520
Isaacs Creek .....	Broadway .....	520

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10174 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3595]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

#### Final Flood Elevation Determinations for the Village of Morrow, Warren County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Morrow, Warren County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Morrow, Warren County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Morrow, Warren County, Ohio, are available for review at the Village Hall, 150 Pike Street, Morrow, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Morrow, Warren County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Miami River..	Downstream corporate limit (extended).	648
	Confluence of Todd Fork.	652
	Mill Grove Road Bridge.	653
Todd Fork .....	Upstream corporate limit (extended).	654
	Confluence of Little Miami River.	652
	ConRall Bridge No. 1.....	652
	U.S. Route 22 Bridge .....	652
	ConRall Bridge No. 2.....	652
	Confluence of 1st Creek.	653
	Confluence of Whitakers Run.	659
	Morrow-Blackhawk Road Bridge.	669
	Eastern-most corporate limit (extended).	679

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974.)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10175 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3516]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the City of Newton Falls, Trumbull County, Ohio**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Newton Falls, Trumbull County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Newton Falls, Trumbull County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Newton Falls, Trumbull County, Ohio, are available for review on the wall of the Utility Office, City Hall, 19 North Canal Street, Newton Falls, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Newton Falls, Trumbull County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added

section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals with the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mahoning River ....	Corporate limits (downstream).....	899
	Main St.....	901
	Broad St.....	903
	Corporate limits (upstream).....	905
West Branch Mahoning River.	Fairport Ave. (upstream).....	902
	Dam.....	904
	Broad St.....	915
	Corporate limits (upstream).....	917

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10176 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-9351]

**PART 1917—APPEALS FROM FLOOD ELEVATION, DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Borough of Roselle, Union County, N.J.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Roselle, Union County, N.J. These base (100-year) flood elevations are the

basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Roselle, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Roselle, are available for review at Borough Hall, 129 Chestnut Street, Roselle, N.J.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Roselle, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Peash Orchard Brook.	Park Dr.....	32
	Carolyn Ter.....	29
	St. Georges Ave.....	29
Jouet Brook.....	5th Ave.....	52
	6th Ave.....	46
	7th Ave.....	45
	8th Ave.....	45
	9th Ave.....	45
	White St.....	44
	10th St.....	43
	Warren St.....	41
	Spruce St.....	40
	Columbus Ave.....	38

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Warren St .....	35
	Morris St .....	34
	Frank St .....	34
	Rivingston St .....	34
	St. Georges Ave .....	34
Branch West Brook .....	6th Ave .....	56
West Brook .....	Aldene Rd .....	67
	Amsterdam Ave .....	65
	Christiani St .....	63
	Dermody St .....	62
	5th Ave .....	60
	6th Ave .....	59
	Washington Ave .....	56
	Pine St .....	50
	Raritan Rd .....	46
	Brooklawn Ave .....	42
	St. Georges Ave .....	40

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10177 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-40561]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

#### Final Flood Elevation Determinations for the Township of Union, Union County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Union, Union County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Union, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevation for the township of Union,

are available for review at Municipal Building, 1976 Morris Avenue, Union, N.J.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Union, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Elizabeth River	Union Ave .....	66
	Salem Rd .....	42
	North Ave .....	30
Trotters Lane Branch	Woodland Rd .....	52
	North Ave .....	35
Lehigh Valley Branch	Huguenot Ave .....	54
	Potter Ave .....	47
West Branch	Self Master Parkway .....	59
Elizabeth River	Vauxhall Rd .....	49
Lightning Brook	Union Ave .....	56
Irvington Branch	Oswood Ter .....	116
Lightning Brook	Stanley Ter .....	91
	Vauxhall Rd .....	92
South West Branch	Balmoral Ave .....	83
	Foot of Cherry St .....	79
Maplewood Branch	Morris Ave .....	89
	Miltown Rd .....	83
Rahway River	U.S. Route 22 east bound .....	78
	Vauxhall Rd .....	96
East Branch Rahway	Liberty Ave .....	84
	Springfield Rd .....	84
Branch 10-34	Vauxhall Rd .....	114
	Liberty Ave .....	90
Vauxhall Branch	Liberty Ave .....	90
	I-78 ramp .....	90

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10178 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-36991]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

#### Final Flood Elevation Determinations for the Village of Avon, Livingston County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Avon, Livingston County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Avon, Livingston County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Avon, Livingston County, N.Y., are available for review at the Avon Village Office, 102 Genesee Street, Avon, N.Y.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Avon, Livingston County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood In-

insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Genesee River .....	Confluence with Conesus Creek.	540
	West Main St. (U.S. 20 and N.Y. 5).	539
	Erie-Lackawanna RR.....	539
Conesus Creek .....	Corporate limits .....	540
	Confluence with Genesee River.	540

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10179 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3415]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Town of Franklinville, Cattaraugus County, N.Y.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Franklinville, Cattaraugus County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Franklinville, Cattaraugus County, N.Y.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Franklinville, Cattaraugus County, N.Y., are available for review at the bulletin board in the Clerk's Office at the Franklinville Town Hall.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Franklinville, Cattaraugus County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gates Creek .....	Upstream corporate limits.	1,575
	Route 98.....	1,569
Ischua Creek.....	North corporate limits ...	1,590
	ConRail, stream distance 43,900.	1,589
	Northwest corporate limits.	1,588
	West corporate limits .....	1,580
	Route 98.....	1,570
	ConRail, stream distance 33,200.	1,569
	Confluence of Gates Creek.	1,569
	ConRail and Chutes Rd.	1,556
	Pierce Hill Rd .....	1,552

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Fivemile Rd.....	1,449
	Downstream corporate limits.	1,444

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10180 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3738]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Town of Geneseo, Livingston County, N.Y.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Geneseo, Livingston County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Geneseo, Livingston County, N.Y.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Geneseo, Livingston County, N.Y., are available for review at the Town Clerk's Office, 119 Main Street, Geneseo, N.Y.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator

gives notice of his final determinations of flood elevations for the town of Geneseo, Livingston County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Genesee River .....	Downstream corporate limits.	561
	Confluence of Jaycox Creek.	555
	N.Y. State Route 63 .....	558
	N.Y. State Route 39, U.S. Route 20A.	563
Conesus Lake .....	Southern corporate limit.	826
	Booher Hill Rd. (extended).	826
	Long Point Rd. (extended).	823
	Sleggs Landing .....	825

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10181 Filed 4-18-78; 8:45 am]

#### [4210-01]

[Docket No. FI-3457]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

#### Final Flood Elevation Determinations for the Town of Great Valley, Cattaraugus County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the town of Great Valley, Cattaraugus County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Great Valley, Cattaraugus County, N.Y.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Great Valley, Cattaraugus County, N.Y., are available for review at the Post Office, Great Valley, N.Y.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Great Valley, Cattaraugus County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wrights Creek .....	Humphrey Rd .....	1,495
	Downstream of Route 219.	1,448

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Great Valley Creek.	Upstream corporate limits.	1,511
	Upstream of Brewer Rd.	1,500
	Confluence of Forks Creek.	1,468
	Route 219, 34,100 ft above corporate limits.	1,462
	Confluence of Wrights Creek.	1,444
	Route 219, 22,000 ft above corporate limits.	1,438
	Chessie System RR., 14,760 ft above corporate limits.	1,426
	Route 219, 14,600 ft above corporate limits.	1,422
	Highland Ave .....	1,406
	Route 219, 6,400 ft above corporate limits.	1,405
	Chessie System RR. ....	1,401
Downstream corporate limits.	1,391	

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10182 Filed 4-18-78; 8:45 am]

#### [4210-01]

[Docket No. FI-3268]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

#### Final Flood Elevation Determinations for the Town of Mentz, Cayuga County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the town of Mentz, Cayuga County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Mentz, Cayuga County, N.Y.

**ADDRESS:** Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the town of Mentz, Cayuga County, N.Y., are available for review at the Town Clerk's Office, 11 Pine Street, Port Byron, N.Y.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Mentz, Cayuga County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Seneca River .....	O'Neil Rd.....	384
	State Route 38.....	384
	Upstream town limits....	384
New York State.....	Confluence with Owasco outlet.	384
Barge Canal.....	Upstream town limits....	384
Owasco Outlet.....	Sperry Rd.....	384
	State Route 38, Canal St.	385
	New York Central Rd. (Wilt St.).	390
	Village of Port Byron, north corporate limit.	391
	Village of Port Byron, south corporate limit.	408
	Hayden Rd., downstream.	416
	Hayden Rd., upstream....	419

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10183 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3700]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Town of Mount Morris, Livingston County, N.Y.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the town of Mount Morris, Livingston County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Mount Morris, Livingston County, N.Y.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Mount Morris, Livingston County, N.Y., are available for review at the Mount Morris Town Hall, Main and Chapel Streets, Mount Morris, N.Y.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Mount Morris, Livingston County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or

individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Genesee River .....	Confluence of Canaserag Creek.	566
	Village of Mount Morris corporate limits (downstream).	571
	Village of Mount Morris corporate limits (upstream).	588
	Letchworth State Park line.	589
Canaseraga Creek.	Ponding in the area approximately bounded by State Route 408, State Route 36, and the eastern corporate limits of the town of Mount Morris.	570

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10184 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3701]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Village of Mount Morris, Livingston County, N.Y.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the village of Mount Morris, Livingston County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the com-

munity is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Mount Morris, Livingston County, N.Y.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Mount Morris, Livingston County, N.Y., are available for review at the Village Clerk's Office, 103 Main Street, Mount Morris, N.Y.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Mount Morris, Livingston County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Genesee River .....	Corporate limits .....	571
	ConRail .....	572
	Rochester Gas & Electric dam .....	587
	Corporate limits (upstream) .....	588

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33

FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10185 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3466]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

#### Final Flood Elevation Determinations for the Town of Parma, Monroe County, N.Y.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the town of Parma, Monroe County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Parma, Monroe County, N.Y.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevation for the town of Parma, Monroe County, N.Y., are available for review at the Town Hall, 1300 Hilton-Parma, Hilton, N.Y.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Parma, Monroe County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the

Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Northrup Creek.....	Manitou Rd.....	329
	Peck Rd.....	345
	Dean Rd.....	386
	Route 104.....	433
	Webster Rd.....	459
Salmon Creek.....	Town line road.....	468
	Payne Beach Rd.....	252
West Creek.....	Wilder Rd.....	262
	Hill Rd.....	277
	Bennett Rd.....	256
Otis Creek.....	North Ave.....	273
	Collamer Rd.....	275
	Town line road.....	279
East Creek.....	Hill Rd.....	278
	Town line road.....	290
Brush Creek.....	West Beach Rd.....	249
	Lake Ontario Parkway ...	249
Lake Ontario.....	Heffer Rd.....	253
	Lake Ontario Parkway ...	249
	Town line road.....	249
	North Ave.....	251
	Payne Beach Rd.....	251

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10186 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3269]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

#### Final Flood Elevation Determinations for the Village of Randolph, Cattaraugus County, N.Y.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the village of Randolph, Cattaraugus County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Randolph, Cattaraugus County, N.Y.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Randolph, Cattaraugus County, N.Y., are available for review at the bulletin board in the Village Hall, 1 Bank Street, Randolph, N.Y.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Randolph, Cattaraugus County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Conewango Creek.	Downstream corporate limits.	1,271
	Main St. Bridge.....	1,274
	College St. (extended)....	1,274

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Conewango Creek.	Elm Creek confluence ....	1,278
	Upstream corporate limits.	1,278
Elm Creek .....	Upstream corporate limits.	1,289
	Weeden Rd. crossing.....	1,285
	Conewango Rd. (extended).	1,279
Battle Creek.....	Upstream corporate limits.	1,375
	State Route 17 crossing..	
	(Upstream side).....	1,343
	(Downstream side)....	1,339
	Main St. crossing .....	1,314
	ConRail crossing.....	1,307
	Center St. crossing:.....	
	(Upstream side).....	1,302
	(Downstream side)....	1,300
	Jamestown St. crossing ..	1,292
Downstream corporate limits.	1,271	

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10187 Filed 4-18-78; 8:45 am]

**[4210-01]**

[Docket No. FI-3234]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Village of Spencerport, Monroe County, N.Y.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Village of Spencerport, Monroe County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Spencerport, Monroe County, N.Y.

**ADDRESS:** Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the Village of Spencerport, Monroe County, N.Y., are available for review at the bulletin board in the Village Hall, 27 West Avenue, Spencerport, N.Y.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Spencerport, Monroe County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, above mean sea level
West Branch Northrup Creek.	Hawthorne Rd .....	566
	Nicholas St .....	560
	Brockport Rd .....	552
Northrup Creek.....	Village Walk .....	521
	ConRail .....	506
	Coleman Ave .....	566
	Prospect Ave .....	559
	Maplewood Ave.....	521
	ConRail .....	511
	Erie Canal.....	495
	Downstream corporate limits.	477

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10188 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3419]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

#### Final Flood Elevation Determinations for the Town of Van Buren, Onondaga County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Van Buren, Onondaga County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Van Buren, Onondaga County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Van Buren, Onondaga County, N.Y., are available for review at the bulletin board in the town Clerk's Office, 7575 Van Buren Road, Baldwinsville, N.Y.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Van Buren, Onondaga County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Seneca River	ConRail	371
	County Route 690	378
	Upstream corporate limits.	381
Dead Creek	Kingdom Rd.	379
	Conners Rd.	382
	Hoag Rd.	388
	Dead Creek Rd.	390
	Warners Rd.	392
	Elderberry St.	405
	Interstate 90	409
ConRail	410	
	Upstream corporate limits.	411

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10189 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-32991]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

#### Final Flood Elevation Determinations for the Village of Watkins Glen, Schuyler County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Watkins Glen, Schuyler County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Watkins Glen, Schuyler County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Watkins Glen, Schuyler County, N.Y., are available for review at the bulletin board in the hallway of the Municipal Building, 303 North Franklin Street, Watkins Glen, N.Y.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Watkins Glen, Schuyler County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above Mean Sea Level
Chemung Barge Canal.	State Route 414	449
	Corporate Limits (upstream).	449
Glen Creek	Confluence with Chemung Barge Canal.	449
	Conrail Bridge	461
	Decatur St.	470
	State Route 14/ Franklin St.	474

Seneca Lake ..... It should be noted that the flood zones along Chautauquus Lake west of the ConRail Railroad are limited to a very narrow band extending upward from the lake shore to elevations 449 ft and 450 ft. In the area east of the ConRail Railroad, Seneca Lake flooding extends upward and inundates at an elevation of 449 ft the flat marshy lands that contain the Barge Canal and the Seneca Lake Inlet.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10190 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3620]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Town of Cary, Wake County, N.C.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Cary, Wake County, N.C.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Cary, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Cary, are available for review at Town Hall, 316 North Academy Street, Cary, N.C.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Cary, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added

section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4110-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations, are:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Black Creek Tributary A.	N.C. State Rd. 1552 <sup>1</sup>	358
Straight Branch	U.S. 64 and 1 <sup>1</sup>	377
Lens Branch	U.S. 64 and 1 <sup>1</sup>	369
	N.C. State Rd. 1009 <sup>1</sup>	349
Swift Creek Tributary 7.	Brookgreen Rd. <sup>1</sup>	393
	Queensferry Rd. <sup>1</sup>	360
	Glasgow Rd and Dam <sup>1</sup>	358
	U.S. 1 Off-Ramp <sup>1</sup>	340
	U.S. 64	337
	U.S. 1	337
Swift Creek	U.S. 64 <sup>1</sup>	360
	U.S. 1 <sup>1</sup>	338
Walnut Creek	Buck Jones Rd. <sup>1</sup>	382

<sup>1</sup>Upstream.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10191 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-2983]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the City of Stow, Summit County, Ohio**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Stow, Summit County, Ohio. These base

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Stow, Summit County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Stow, Summit County, Ohio, are available for review at the Stow City Meeting Room, First Floor, 3760 Darrow Road, Stow, Ohio.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Stow, Summit County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Fish Creek	Upstream corporate limits.	1,025
	Kent Rd.	1,021
	North River Rd.	1,014
	Confluence with Cuyahoga River.	1,009
Fish Creek, Tributary No. 1.	½ mi above mouth.	1,030
	Confluence with Fish Creek.	1,023
Fish Creek, Tributary No. 2.	Abandoned railroad	1,064
	Call road	1,050
	Newcomer Rd. and downstream corporate limits.	1,041

Source of flooding	Location	Elevation in feet above mean sea level
Mud Brook.....	Seasons Rd. and upstream corporate limits	995
	Field Dr .....	990
	ConRail .....	990
	Homewood Ave .....	987
	Downstream corporate limits	984
Tributary No. 1, Mud Brook.	Upstream corporate limits	990
	Hudson Rd .....	990
	Confluence with Mud Brook	990
Tributary No. 1B, Mud Brook.	Graham Rd .....	997
	Downstream corporate limits	995
Tributary No. 3, Mud Brook.	Allen Rd .....	1,003
	Confluence with Mud Brook	994

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968, effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128 and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680 February 27, 1969, as amended 39 FR 2787 January 24, 1974).)

Issued February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78 10192 Filed 4 18 78; 8:45 am]

#### [4210-01]

[Docket No. FI 3204]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

#### Final Flood Elevation Determinations for the City of Astoria, Clatsop County, Oreg.

AGENCY: Federal Insurance Administration, HUD

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Astoria, Clatsop County, Oreg. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Astoria, Oreg.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Astoria, are available for review at City Hall, 1095 Duane Street, Astoria, Oreg.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

#### SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Astoria, Oreg.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Columbia River.....	Along bank of Columbia River.	9
Youngs Bay.....	Along shore of Youngs Bay.	9
Small streams near 49th and Birch Sts.	Intersection of 49th and Birch Sts.	10

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10193 Filed 4-18-78; 8:45 am]

#### [4210-01]

[Docket No. FI-3633]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

#### Final Flood Elevation Determinations for the City of Aliceville, Pickens County, Ala.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Aliceville, Pickens County, Ala. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Aliceville, Ala.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevation for the city of Aliceville, are available for review at City Hall, 2151 First Street, Aliceville, Ala.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Aliceville, Ala.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Ditch.....	St. Louis-San Francisco RR.	178
	1st Ave.....	188
	4th Ave.....	197
Tributary 1 to Big Ditch.	Baptist line Rd., upstream side.	164

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10233 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3677]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Town of Carrollton, Pickens County, Ala.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Carrollton, Pickens County, Ala. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Carrollton, Ala.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevation for the town of Carrollton, are available for review at town hall, Carrollton, Ala.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Carrollton, Ala.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stream 1.....	County Rd. 35.....	217
	Alabama Highway 17:.....	
	(Upstream).....	217
	(Downstream).....	212
	St. Louis, San Francisco RR.:.....	
	(Upstream).....	210
	(Downstream).....	205
Stream 2.....	Spring St.....	204
	Alabama Highway 17:.....	
	(Upstream).....	211
	(Downstream).....	206
Stream 3.....	St. Louis, San Francisco RR.....	196
	Alabama Highway 17:.....	
	(Upstream).....	218
	(Downstream).....	209

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10234 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3610]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Town of Gordo, Pickens County, Ala.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Gordo, Pickens County, Ala. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Gordo, Ala.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Gordo, are available for review at Town Hall, Gordo, Ala.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Gordo, Ala.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Bear Creek ..	U.S. Highway 82 .....	245
	Old U.S. Highway 82 .....	247
	Illinois Central Gulf RR. ....	248
Long Branch .....	1st Ave .....	250
	Illinois Central Gulf RR. ....	248
	1st Ave .....	253

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10235 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3093]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

##### Final Flood Elevation Determinations for the City of Prattville, Ala.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the city of Prattville, Ala. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the city of Prattville, Ala.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Prattville are available for review at City Hall, Prattville, Ala.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line

800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Prattville.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pine Creek tributary 2.	U.S. Highway 31 .....	357
	U.S. Highway 31 .....	356
Pine Creek tributary 1.	Holly Lane .....	308
	Alabama Highway 14 .....	287
Pine Creek .....	Grahamhaven Dam .....	263
	Cobb's Ford Rd. ....	241
	U.S. Highway 31 .....	238
	Doster Rd .....	221
	U.S. Highway 82 bypass .....	221
	U.S. Highways 31 and 82 .....	159
Autauga Creek tributary 2.	Gulf, Mobile, Ohio & Illinois Central RR. ....	225
	Gulf, Mobile, Ohio & Illinois Central RR. ....	208
Autauga Creek tributary 1.	Lower Kingston Rd. ....	206
	U.S. Highway 82 (business) .....	196
Autauga Creek .....	Dam .....	194
	Gulf, Mobile, Ohio & Illinois Central RR. ....	175
	Bridge St. ....	175
	Alabama Highway 14 .....	174
	U.S. Highway 82 bypass .....	161
	County Rd. 4 .....	159

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10236 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3636]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

##### Final Flood Elevation Determinations for the City of San Marcos, San Diego County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of San Marcos, San Diego County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of San Marcos, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of San Marcos, are available for review at City Hall, 105 West Richmar Avenue, San Marcos, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of San Marcos, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for

a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
San Marcos Creek	Via Vera Cruz <sup>1</sup> .....	537
	Discovery St.....	541
	Grand Ave.....	553
	Anza Freeway (State Highway 78).....	562
	Johnston Lane.....	562
	Enchinitas Rd.....	572
	Atchison, Topeka, & Santa Fe RR <sup>1</sup> .....	581
	Mission Rd.....	581
	Westerly Way.....	597
	La Cienega Rd.....	675
East Branch of San Marcos	Olive Dr.....	698
	Twin Oaks Valley Rd. <sup>1</sup> ...	567
	Valpreda Rd. <sup>1</sup> .....	587
	Atchison, Topeka & Santa Fe RR <sup>1</sup> .....	595
	Mission Rd.....	634
	Rock Spring Rd.....	651

<sup>1</sup>Upstream side.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10237 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3637]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Town of Castle Rock, Douglas County, Colo.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Castle Rock, Douglas County, Colo. These base (100-year) flood elevations are the basis for the flood plain manage-

ment measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Castle Rock, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Castle Rock, are available for review at Town Hall, 310 Third Street, Castle Rock, Colo.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Castle Rock, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Plum Creek ...	Wolfensberger Rd.....	6,147
	Interstate 25 <sup>1</sup> .....	6,172
	.....do <sup>1</sup> .....	6,177
	Upstream corporate limits.....	6,211
Hangman's Gulch.	Downstream corporate limits.....	6,277
	Upstream corporate limits.....	6,286
Sellers Gulch.....	Old U.S. 85.....	6,188
	Denver & Rio Grande Western RR.....	6,206
	Upstream corporate limits.....	6,258

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Unnamed tributary to Seller's Gulch.	Lake Gulch Rd.....	6,233
	County road.....	6,255

<sup>1</sup>Downstream side.

<sup>2</sup>Upstream side.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10238 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-2518]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the City of Cherry Hills Village, Arapahoe County, Colo.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Cherry Hills Village, Arapahoe County, Colo.

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

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Cherry Hills Village, Colo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Cherry Hills Village, are available for review at City Hall, 2450 Eash Quincy Avenue, Englewood, Colo.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Sev-

enth Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Cherry Hills Village, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Dry Creek....	Clarkson St.....	5,341
	Martin Lane.....	5,348
	Quincy Ave.....	5,363
Greenwood Gulch.	Ogden St.....	5,345
	Corona St.....	5,346
	Cherry Hills Lake Spillway.	5,376
	University Blvd.....	5,383
	Quincy Ave.....	5,384
Blackmer Gulch....	Meade Lane, 1,000 ft upstream of Quincy Ave.	5,390
	Meade Lane, 1,000 ft downstream of Blackmer Gulch.	5,397
	Random Rd., near Greenwood Gulch.	5,404
	Random Rd., near Quincy Gulch.	5,410
	Monroe St.....	5,414
Quincy Gulch.....	Blackmer Lake Spillway, 1st dam above Monroe St.	5,437
	Blackmer Lake Spillway, 2d dam above Monroe St.	5,458
	Highline Canal.....	5,480
	Whitehall Dr.....	5,617
	Holly St.....	5,533
Horse Tavern Brook.	Random Rd.....	5,414
	Monroe St.....	5,420
	Quincy Ave.....	5,426
	South Colorado Blvd.....	5,443
	South Bellaire St., 1,000 ft upstream of South Colorado Blvd.	5,455
	South Bellaire St., 800 ft downstream of Highline Canal.	5,467
	Highline Canal.....	5,487

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Ad-

ministrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10239 Filed 4-18-78; 8:45 am]

#### [4210-01]

[Docket No. FI-2950]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

#### Final Flood Elevation Determinations for the Town of Fairfield, Fairfield County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the town of Fairfield, Fairfield County, Conn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Fairfield, Conn.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Fairfield, are available for review at Town Hall, 611 Old Post Road, Fairfield, Conn.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Fairfield, Conn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determina-

tion to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	
Sasco Creek.....	Congress St.....	215	
	Merritt Parkway*.....	175	
	Cross Highway.....	167	
	Redding Rd.....	156	
	Merwins Lane.....	145	
	Silver Spring Rd.....	99	
	Ingleside Rd.....	90	
	Hulls Farm Rd.....	62	
	Wakeman Lane.....	41	
	Boston Post Rd.*.....	17	
	Kings Highway.....	12	
	Connecticut Turnpike.....	12	
	Aspectuck River ...	Gilbert Highway*.....	177
		Park Ave.....	142
Mill River.....	Church Hill Rd.....	129	
	Merritt Parkway*.....	117	
	Morehouse Highway.....	88	
	Black Rock Turnpike.....	80	
	Samp Mortar Lake Dam	75	
	Brookside Dr.....	50	
	Burr St.....	36	
	Duck Farm Rd.....	32	
	Sturgess Rd.....	13	
	Connecticut Turnpike.....	12	
Cricker Brook.....	Boston Post Rd.....	12	
	Congress St.....	101	
	Merritt Parkway.....	99	
Grasmere Brook....	Nonopoge Rd.....	91	
	Crecooof Rd.....	88	
	Connecticut Turnpike.....	15	
	ConRad.....	11	
Rooster River.....	Old Post Rd.....	11	
	Cornell Rd.....	71	
	Brookview Ave.....	51	
	Brookland Ave.....	42	
	Brooklawn Ave*.....	25	
Horse Tavern Brook.	Kings Highway.....	17	
	Connecticut Turnpike.....	16	
	Black Rock Turnpike.....	11	
	Park Ave.....	127	
	Manor Dr.....	119	
	Wilson St.....	113	
	Merritt St.....	102	
Valley Rd.....	96		
Stratfield Rd.....	89		

\*Upstream.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10240 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3611]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Town of Henlopen Acres, Sussex County, Del.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Henlopen Acres, Sussex County, Del. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Henlopen Acres, Del.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Henlopen Acres, are available for review at Town Hall, 104 Tidewaters, Henlopen Acres, Del.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Henlopen Acres, Del.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a).) An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean .....	East of Duneway Ave .....	10
Lewes and Rehoboth Canal.	Northeast of intersection of Dodds Lane and Tidewaters.	9

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10241 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3488]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Village of North Palm Beach, Palm Beach County, Fla.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of North Palm Beach, Palm Beach County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of North Palm Beach, Fla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevation for the Village of North Palm Beach, are available for review at Village Hall, 501 U.S. Highway 1, North Palm Beach, Fla.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of North Palm Beach, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean .....	Shoreline from northern corporate limit to southern corporate limit.	7
Lake Worth.....	Shoreline from northern corporate limit to southern corporate limit.	7
	East end of Wettaw Lane.	7
Intracoastal Waterway, North Palm Beach Waterway to C-17 Canal.	U.S. 1 State Rd. 5 bridge over Intracoastal Waterway.	7
	Lighthouse Drive Bridge over North Palm Beach Waterway.	7
	U.S. 1 State Rd. bridge over C-17 Canal.	7

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10242 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI 3489]

**PART 1917—APPEALS FROM FLOOD  
ELEVATION DETERMINATIONS  
AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations  
for the Town of Sewall's Point,  
Martin County, Fla.**

AGENCY Federal Insurance Administration, HUD.

ACTION Final rule.

**SUMMARY** Final base (100-year) flood elevations are listed below for selected locations in the town of Sewall's Point, Martin County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Sewall's Point, Fla.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Sewall's Point, are available for review at Town Hall, 1 South Sewall's Point Road, Jensen Beach, Fla.

**FOR FURTHER INFORMATION CONTACT**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Sewall's Point, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Indian River.....	State Rd. A1A and Sewall's Point Rd.	8
	High Point Rd. and Island Rd.	7
St. Lucie River.....	West end of State Rd. A1A.	6

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10243 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3490]

**PART 1917—APPEALS FROM FLOOD  
ELEVATION DETERMINATIONS  
AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations  
for the City of Stuart, Martin  
County, Fla.**

AGENCY Federal Insurance Administration, HUD.

ACTION Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the city of Stuart, Martin County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Stuart, Fla.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Stuart, are available for review at City Hall, 121 Flagler Avenue, Stuart, Fla.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Stuart, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Lucie River.....	North end of Colorado Ave.	6

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10244 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-35581]

**PART 1917—APPEALS FROM FLOOD  
ELEVATION DETERMINATIONS  
AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations  
for the City of Salem, Washington  
County, Ind.**

AGENCY Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the city of Salem, Washington County, Ind. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Salem, Ind.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Salem, are available for review at the City Hall, South High Street, Salem, Ind.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Salem Ind.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Fork Blue River.	Market St.....	727
	High St.....	724
	State Rd. 135 (Main).....	721
Brook Creek .....	Water St.....	744
	Homer St.....	734
	Hackberry St. (State road 56).....	727

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Highland Creek.....	Mulberry St.....	727
	West Walnut St.....	726
	Market St.....	725
	Monon RR.....	721
	State road 56 and 60.....	718
	Monon RR.....	716
	Railroad spur.....	714

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10245 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3687]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the City of Sterling, Rice County, Kans.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of Sterling, Rice County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Sterling, Rice County, Kans.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Sterling are available for review at City Hall, 114 North Broadway, Sterling, Kans.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator

gives notice of his final determinations of flood elevations for the City of Sterling, Rice County, Kans.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum	Depth in feet Above Ground Level.
Bull Creek .....	At Garfield Ave .....	1,638	
	At 11th St .....	1,640	
	At Atchison, Topeka and Santa Fe Ry. bridge.	1,644	
	1,100 ft upstream of Cleveland Ave.	1,645	
	9th and Jefferson .....		2
	Broadway and Main.....		2
	4th and Monroe .....		1

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10246 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3688]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for Jessamine County, Ky.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in Jessamine County, Ky. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Jessamine County, Ky.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Jessamine County, Ky., are available for review at the Jessamine County Clerk's Office, Main Street, Nicholasville, Ky.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Jessamine County, Ky.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kentuck River .....	Lock and dam No. 7.....	548
	Confluence of Hickman Creek.	564
	Lock and dam No. 9 .....	581

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Hickman Creek.	Mackoy Rd .....	863
	Tates Creek Rd.....	896
West Hickman Creek.	Beaumont Rd.....	870
	Ash Grove Pike.....	879
Town Fork.....	U.S. Route 27 .....	872
	Unimproved road at corporate limits.	892
Town Branch.....	Southern RR. (upstream).	852
	East College St.....	863
	Ashbury Dr.....	870

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10247 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3647]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

##### Final Flood Elevation Determinations for the City of Morgan City, St. Mary Parish, La.

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the city of Morgan City, St. Mary Parish, La. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Morgan City, St. Mary Parish, La.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Morgan City, St. Mary Parish, La., are available for review at City Hall, Morgan City, La.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:**

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Morgan City, St. Mary Parish, La.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atchafalaya River.	Just downstream of Southern Pacific RR.	12
	Approximately 100 ft upstream of U.S. Highway 90 West.	13
Ponding Area B.....	Intersection of 7th St and Brashear Ave.	5
Ponding Area A.....	Intersection of 2d and Union Sts.	7

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10248 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3732]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Township of Hampton, Bay County, Mich.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Hampton, Bay County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Hampton, Mich.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Hampton, are available for review at Township Hall, 801 West Center Road, Essexville, Mich.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Hampton, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed

criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saginaw River .....	Weadock Rd .....	585
Saginaw Bay .....	Borton Rd .....	585
	Youngs Ditch Rd .....	585
	Cass Ave .....	585

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10249 Filed 4-18-78; 8:45 am]

[4210-01]

[Docket No. FI-3616]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the Township of Merritt, Bay County, Mich.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Merritt, Bay County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Merritt, Mich.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Merritt, are available for review at Township Hall, 48 East Munger Road, Munger, Mich.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:**

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Merritt, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saginaw Bay .....	Russell Rd. and Bowker Rd.	585
	Schoof Rd. and Bowker Rd.	585

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-10250 Filed 4-18-78; 8:45 am]

[3810-70]

## Title 32—National Defense

CHAPTER I—OFFICE OF THE  
SECRETARY OF DEFENSEPART 289—AVAILABILITY TO THE  
PUBLIC DEPARTMENT OF DEFENSE  
DIRECTIVES, INSTRUCTIONS,  
CHANGES THERETO, AND INDICES

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule updates DoD procedures for obtaining; (a) DoD Directives; (b) DoD Instructions; (c) Changes to DoD Directives and Instructions; and (d) the DoD Directives System Quarterly Index of DoD Issuances and Quarterly Index of Final Opinions, Statements of Policy, and Administrative Staff Manuals, and Instructions which Affect the Public. It covers minor revisions in content, and an increase in subscription costs.

EFFECTIVE DATE: April 19, 1978.

FOR FURTHER INFORMATION  
CONTACT:

Ms. Margarete Healy, Directives Division, Washington Headquarters Services, Department of Defense, the Pentagon, Washington, D.C. 20301, telephone 202-697-4111.

SUPPLEMENTARY INFORMATION: On August 16, 1967, there was published in the FEDERAL REGISTER (32 FR 11780) a final rule adoption, effective September 1, 1967, which announced a subscription service for DoD Directives, Instructions, and Changes thereto. Four subsequent amendments were published on December 27, 1968 (33 FR 19815), November 25, 1970 (35 FR 18047), September 21, 1977 (42 FR 47555), and September 26, 1977 (42 FR 48885). This rule incorporates all changes.

Dated: April 14, 1978.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, Washington Head-  
quarters Services, Department  
of Defense.

Part 289 of Title 32 is revised as follows:

- Sec.  
289.1 Subscription service.  
289.2 Ordering individual copies.

AUTHORITY: 10 U.S.C. 133; 31 U.S.C. 483a.

## § 289.1 Subscription service.

(a) DoD Directives, Instructions, and Changes to DoD Directives and Instructions published in the Number Index portion of the DoD Directives Systems Quarterly Index (except

those marked as not releasable to the public) are available on a subscription basis, with automatic mailing upon payment of fees (see § 289.1(b)).

(1) The DoD Directives, Instructions and Changes thereto are published under the following subject groups:

- 1000—Manpower, Personnel, and Reserve.
- 2000—International Programs.
- 3000—Planning and Readiness.
- 4000—Logistics and Resources Management.
- 5000—General Administration.
- 6000—Health and Medical.
- 7000—Comptrollership; and the DoD Directives System Quarterly Index of DoD Issuances and Quarterly Index of Final Opinions, Statements of Policy, and Administrative Staff Manuals and Instructions which Affect the Public (DoD 5025.1-I).

(2) The subscription will entitle the subscriber to receive automatically, for one year, one copy of each new and revised issuance published under the subject groups ordered.

(3) Subscriptions will be accepted for one or more subject groups.

(b) An annual service charge of \$10 for the DoD Issuances published under each subject group will apply without regard to the number of documents which may be issued within the group. This fee is to defray administrative expense for screening and distributing DoD Issuances.

(1) Orders may be forwarded at any time to the Director, Navy Publications and Printing Service, Eastern Division, Building 4, Section D, 700 Robbins Avenue, Philadelphia, Pa. 19111, in any form, accompanied by a certified bank check or postal money order payable to the Treasurer of the United States.

(2) Subscription service pertains only to the release of new and revised DoD Directives and Instructions; Changes; and Indices.

## § 289.2 Ordering individual copies.

(a) In addition to the subscription service on new and revised DoD Issuances outlined in § 289.1, individual copies of any other DoD Directive, Instruction, and Change listed in the Number Index portion of the DoD Directives System Quarterly Index (except those marked not releasable to the public) will continue to be made available on an "as ordered" basis, without charge to the requester.

(b) This service is provided to the public and Federal Agencies other than the Department of Defense by the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attention: Code 301. Issuances will be limited to one copy of each DoD Issuance per customer, and the number of individual items requested must be limited to five (5) or less.

[FR Doc. 78-10578 Filed 4-18-78; 8:45 am]

[6820-22]

Title 41—Public Contracts and  
Property ManagementCHAPTER 101—FEDERAL PROPERTY  
MANAGEMENT REGULATIONSSUBCHAPTER D—PUBLIC BUILDINGS AND  
SPACE

[FPMR Amdt. D-66]

PART 101-19—CONSTRUCTION AND  
ALTERATION OF PUBLIC BUILD-  
INGSSubpart 1001-19.6—Accommodations  
for the Physically Handicapped

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: GSA is changing its regulations to ensure that buildings leased by the Federal Government have accommodations for the physically handicapped. These changes are made pursuant to the Architectural Barriers Act, as amended. This regulation is intended to make sure that leased buildings as well as Federal buildings meet prescribed standards of accessibility for the physically handicapped.

EFFECTIVE DATE: This regulation is effective April 19, 1978.

FOR FURTHER INFORMATION  
CONTACT:

Mr. Richard Hillyard, Realty Specialist, Leasing Division, Office of Space Planning and Management, Public Buildings Service, General Services Administration, Washington, D.C. 20405, 202-566-0638.

SUPPLEMENTARY INFORMATION: Proposed regulations for accessibility to the physically handicapped in leased buildings were published for comment in the FEDERAL REGISTER on February 14, 1977 (42 FR 9038). Because of the nature of the comments received, substantial changes were made to the regulations, and they were republished on September 27, 1977 (42 FR 49485), for additional comments prior to issuance of final regulations. Discussed below are the major adverse comments which were received.

Several organizations stated that the sentence in section 101-19.603 allowing "Departures from particular requirements of this standard" is in effect authorizing modifications and waivers of the standard. This sentence is simply an affirmation of section 1.2 of the accepted standard (ANSI A117.1-1961(R1971)) in which "administrative authorities may grant exceptions from the literal requirements of this standard or permit the use of other meth-

ods or materials, but only when it is clearly evident that equivalent facilitation and protection are thereby secured." Rather than have an adverse impact, this option will facilitate the installation of accessibility items, and, as implicitly stated, in some cases will provide superior accessibility.

One organization suggested that exception (a) be revised to state "... any portion of a building which will not, because of its intended use ..." rather than "need not" and felt that this change would more accurately reflect the scope of the statute. Although a building may not currently need to be accessible, this change would preclude an agency from making it accessible in the future and was rejected for that reason.

One comment was received suggesting that exception (c) be deleted. This exception only applies to those instances when it is not structurally possible to achieve accessibility and is not susceptible to any devious interpretations. Inasmuch as this section has been effective since promulgation of the original standards 8 years ago, still remains unchanged, and has not been subject to imprudent use, we have left it intact.

The most frequent comment received was one which expressed concern over exception (e) and suggested there was no statutory basis for such an exception. While we can understand the initial concern in this area, responsible and judicious action by the administering agencies will preclude any unwarranted liberal interpretation of this policy.

The use of the words "whenever possible" in the law clearly shows the intent of Congress not to force the requirements in those cases where accessibility cannot be achieved. GSA regulations demand accessibility in all instances except those where, after soliciting offers, it is discovered that no accessible space is available nor is any offeror willing and/or able to provide accessible space. Under those circumstances it is clearly not possible to provide accessible space, and the statute therefore does not apply. There is a distinction between the use of an exception and a waiver in this instance in that a waiver implies the possibility of access to the handicapped but because of mitigating reasons it is imprudent to require conformity with the standards.

Another area of comment about exception (e) was that emphasis given to the cited sections of ANSI A117.1-1961(R1971) would inveigh against persons with semi-ambulatory disabilities and persons with hearing and visual disabilities. However, these items were selected so that in the event no prospective lessor could meet the full standard, the most essential items (access to the building and use

of the basic body functions) would be met.

Some of the comments stated that section 101-19.606 should include, as part of the justification for waivers, reasons why an activity could not be relocated to an accessible building. The justification for a waiver must contain all pertinent information relative to the case, and since all possible variations of supportive documentation cannot even be imagined, it would be misleading to point out a single item for inclusion in the justification.

One Federal agency wanted a second, less stringent standard established for facilities where the Government already occupied space and would continue occupancy by renewal or succeeding lease. After much evaluation, we have determined that a single standard will be less confusing and overall the most effective way of meeting the statutory requirement of accessibility in leased buildings.

**Subpart 101-19.6—Accommodations for the Physically Handicapped**

1. Sections 101-19.600 and 101-19.601 are revised to read as follows:

**§ 101-19.600 Scope of subpart.**

This subpart prescribes standards for the design, construction, lease, and alteration of buildings to ensure, whenever possible, that physically handicapped persons will have ready access to and use of such buildings. Recordkeeping and reporting requirements (see §§ 101-19.606 and 101-19.607) are prescribed for all projects subject to this subpart.

**§ 101-19.601 Authority and applicability.**

This subpart implements Pub. L. 90-480, approved August 12, 1968, as amended (42 U.S.C. 4151, et seq.). The standards prescribed herein shall apply to all Federal agencies and instrumentalities and to non-Federal organizations to the extent provided in the Act.

2. Section 101-19.602 is amended to read as follows:

**§ 101-19.602 Definitions.**

The following definitions shall apply to this Subpart 101-19.6:

(a) "Building" means any building or facility (other than a privately owned residential structure not leased by the Government for subsidized housing programs and any building or facility on a military installation designed and constructed primarily for use by able-bodied military personnel) the intended use for which will require either that the building or facility be accessible to the public or may result in the employment therein of physically handicapped persons, which is to be:

(1) Constructed or altered by, or on behalf of, the United States after September 2, 1969;

(2) Leased in whole or in part by the United States between August 12, 1968, and December 31, 1976, if constructed or altered in accordance with plans and specifications of the United States;

(3) Financed in whole or in part by a grant or a loan made by the United States after August 12, 1968, if the building or facility is subject to standards for design, construction, or alteration issued under authority of the law authorizing such a grant or loan;

(4) Constructed under authority of the National Capital Transportation Act of 1960, the National Capital Transportation Act of 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact; or

(5) Leased in whole or in part by the United States after January 1, 1977, including any renewal, succeeding, or superseding lease.

(c) The terms "bid" and "bidder" shall be construed to include "offer" and "offeror".

3. Section 101-19.603 is revised to read as follows:

**§ 101-19.603 Standards.**

Except as provided in § 101-19.604, every building shall be designed, constructed, or altered in accordance with the minimum standards in the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc. (ANSI A117.1-1961 (1971)). Departures from particular requirements of these standards by the use of other methods will be permitted when it is clearly evident that equivalent accessibility and usability of the facility is thereby provided.

4. Section 101-19.604 is amended to read as follows:

**§ 101-19.604 Exceptions.**

The standards established in § 101-19.603 shall not apply to:

(a) The design, construction, alteration, or lease of any portion of a building which need not, because of its intended use, be made accessible to, or usable by, the public or by physically handicapped persons;

(c) The alteration of an existing building, or of portions thereof, to which application of the standards is not structurally possible;

(d) The construction or alteration of a building for which plans and specifications were completed or substantially completed on or before September 2, 1969: *Provided, however,* that any building defined in § 101-19.602(a)(4)

## RULES AND REGULATIONS

Dated: April 6, 1978.

JAY SOLOMON,  
*Administrator of  
 General Services.*

[FR Doc. 78-10482 Filed 4-18-78; 8:45 am]

## [6820-24]

## SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-217]

## PART 101-25—GENERAL

## Subpart 101-25.3—Use Standards

## AIR-CONDITIONING GUIDELINES

AGENCY: General Services Administration.

ACTION: Final rule.

**SUMMARY:** This regulation prescribes an additional guideline for justifying air-conditioning in motor vehicles. This regulation has been developed because vehicle air-conditioning is needed in areas where uncomfortable summer daytime temperatures are offset by cool nights and, therefore, cannot be justified by the 700-cooling-degree-day requirement now prescribed. This regulation will allow greater flexibility for justifying air-conditioning in motor vehicles.

EFFECTIVE DATE: April 19, 1978.

## FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Management Control Division, Office of the Executive Director, Federal Supply Service, General Services Administration, Washington, D.C. 20406, 703-557-1914.

**SUPPLEMENTARY INFORMATION:** Section 101-25.304-2 is revised as follows:

## § 101-25.304-2 Air-conditioning guidelines.

When the guidelines in § 101-25.304-1 have been met and the vehicle involved will operate principally in the geographic areas shown in the shaded portion of the map illustrated in Federal Standard No. 122, air-conditioning may be procured without further justification: *Provided*, That the head of the agency or his designee has determined that air-conditioning equipment is required in consideration of safety, efficiency, and economy.

(a) When the vehicle involved will operate in areas other than those in the shaded area on the map or outside of the United States, justification for air-conditioning would be adequate if the vehicle will operate principally in areas in which either of the following criteria can be met:

(1) Maintenance of at least a 700-cooling-degree day in the four hottest months (cooling-degree days are calcu-

lated by subtracting the base value of 65° F. from the daily average temperature (average of the daily high and low recorded temperatures), with negative values being counted as zero, and summing the daily values for the 4 months); or

(2) Accumulation during the four hottest months of 30 days or more each with a recorded high temperature of at least 85° F.

(b) When air-conditioning is considered to be essential and the guidelines cannot be met, the agency shall request approval by submitting a justification to the Commissioner, Federal Supply Service (mailing address: General Services Administration (F), Washington, D.C. 20406), pursuant to § 101-25.304.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Dated: April 7, 1978.

ROBERT T. GRIFFIN,  
*Acting Administrator of  
 General Services.*

[FR Doc. 78-10483 Filed 4-18-78; 8:45 am]

## [6712-01]

## Title 47—Telecommunications

## CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19528; FCC 78-248]

## PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

## Proposals For New or Revised Classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS)

AGENCY: Federal Communications Commission.

ACTION: Adoption of final rules.

**SUMMARY:** Rules are adopted in part 68 of the Commission's rules to provide for the connection of Private Branch Exchange (PBX) and Key telephone systems to the nationwide telephone network, including their premises wiring. When the FCC applied the registration program in 1976 to PBX and key telephone systems the FCC recognized that wiring runs used with these systems could nullify the network protection built into the equipments at the end of these runs. Because it did not have concrete proposals before it to assure proper wiring in specific installations, the FCC adopted tentative requirements that protective apparatus be built into the equipment to protect against wiring aberration. Subsequently, the FCC issued a notice of proposed rulemaking

shall be designed, constructed, or altered in accordance with the standards prescribed in § 101-19.603 regardless of design status or bid solicitation as of September 2, 1969; and

(e) The leasing of space when after receipt of bids or offers it is determined that no otherwise legally acceptable proposal substantially meets the requirements of each of the following sections of the ANSI standards with respect to the space to be leased:

- (1) Section 1, Scope and Purpose;
- (2) Section 2, Definitions;
- (3) Section 3, General Principles and Considerations;
- (4) Section 4, Site Development; and
- (5) Section 5, Buildings, subsections (in entirety unless noted) 5.1, 5.2, 5.3, 5.4.2, 5.4.3, 5.5, 5.6, 5.7, and 5.9. If more than one offeror or bidder meets the requirements of the sections listed in paragraph (e) of this section, then preference shall be given to the offeror or bidder who most nearly complies with the standard prescribed in § 101-19.603. If the award is proposed to a firm other than the one offering space that most nearly complies with the full ANSI standard and whose bid or offer is reasonable as to price and otherwise legally acceptable, a waiver or modification of those standards which could have been met, but which are not being furnished, must be obtained.

5. Section 101-19.606 is revised to read as follows:

## § 101-19.606 Recordkeeping

The administering agency's file on each contract or grant for the design, construction, lease, or alteration of a building as defined in § 101-19.602 shall be documented with a statement either: (a) That the standards are applicable to and have been or will be incorporated in the design, the construction, or the alteration, (b) that the grant has been or will be made subject to a requirement that the standard will be incorporated in the design, the construction, or the alteration; (c) that the standards have been waived by the Administrator of General Services (in which event the justification for the waiver shall be stated); (d) that the project is within one of the exceptions set out in § 101-19.604 (the specific exception shall be identified and justified); or (e) such other statements as may be appropriate with respect to application of the standards to the contract or grant. The head of each agency shall be responsible for implementing the file documentation requirement by regulation or other appropriate means. The documentation shall be made available to the Administrator of General Services upon request.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

suggesting new rules to assure proper wiring and in this order such rules are adopted.

**EFFECTIVE DATE:** June 1, 1978.

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

**FOR FURTHER INFORMATION CONTACT:**

Michael S. Slomin, Policy and Rules Division, Common Carrier Bureau, 202-632-9342.

**SUPPLEMENTARY INFORMATION:**

In the matter of Proposals for new or revised classes of interstate and foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS), Docket No. 19528. Third report and order (42 FR 55819).

Adopted: April 6, 1978.

Released: April 13, 1978.

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**I. SUMMARY OF DECISION**

1. The FCC's telephone equipment registration program was made applicable to Private Branch Exchange (PBX) and key telephone systems in the Commission's Second Report and Order in Docket No. 19528, in March 1976. Although that decision was stayed during appellate review, with the United States Supreme Court's denial of further review it became effective on October 17, 1977.

2. When we adopted rules providing for the direct electrical connection of PBX and key telephone systems to the nationwide telephone network without a requirement for carrier-provided protective devices ("connecting arrangements"), we noted a problem posed by these systems which was not posed by discrete units of equipment. These systems are generally configured with centrally-located "common equipment" shared by the system, and remotely-located "station equipment" (usually telephone instruments), with long runs of wiring connecting them. Unless such wiring is located behind protective apparatus, it has the potential if improperly installed of negating

the network protection otherwise built into the "common" and "station" equipment at its ends. In the absence of any concrete proposals for assuring the proper planning and placement of such wiring, we tentatively required that all such wiring be used behind specifically protective apparatus, which might be integrated with the "common" equipment, or located externally.

3. We subsequently received proposals for assuring proper planning and installation of the wiring itself, to minimize burdens which might be associated with the tentative requirement of using specifically protective apparatus with existing equipments which do not already contain such protective functions. In June, 1977, we issued a comprehensive supplemental notice of proposed rulemaking setting these proposals, and variants thereof, for comment and analysis by interested parties. This order now resolves the issues set for comment in that notice.

4. Our treatment of premises wiring is to allow for three complementary techniques for its implementation: (1) wiring in accordance with the tentative requirements of the Second Report and Order (called "fully-protected wiring"), (2) wiring in accordance with a proposal by A.T. & T. using protective apparatus which protects solely against contact of telephone wiring with commercial power wiring, and (3) wiring in accordance with a proposal by GTE using no protective apparatus, but subject to controls in a new rule, Section 68.215, which assures its proper planning and installation. We allow equipment suppliers the option of balancing the costs associated with these three techniques against the costs associated with the new controls which we are adopting, which become more stringent as wiring moves from the "fully-protected" first category to the "unprotected" third category. Since wiring in the "fully-protected" category will be specifically protected by apparatus presently accommodated by our rules, no new requirements on this form of wiring are adopted.

5. Based on the comments before us, we have adopted a variety of controls over wiring in the second and third categories above. Basically, we have established workmanship and materials standards over the wiring which "track" current telephone industry practice, and acceptance testing and inspection techniques which may be used, where warranted, to verify conformance thereto. In addition, we are requiring that all such wiring installations be supervised by a competent supervisor who will be required to attest in writing that the installation conforms to our new rules.

6. In addition to the foregoing, we are permitting the local telephone

companies to impose certain extra-ordinary measures where there is reason to believe that a particular installation is sub-standard. These measures include the existing drastic remedy of suspending service to sub-standard lines (under Section 68.108), as well as less drastic measures such as inspection, acceptance testing and requiring that interposed protective apparatus be used with a particular installation. We do not anticipate that these measures will be required or imposed in the vast majority of installations, because of extrinsic factors which cause such installations of complex systems to tend towards minimization of breakdowns and high reliability. Nevertheless, in an abundance of caution, we are permitting these measures to be used where actually required.

7. With regard to standardized means of interfacing PBX and key telephone systems to the telephone network, we are continuing our present Section 68.104 policy of requiring that such interface be accomplished through the use of withdrawable connectors which can be readily disconnected by the untrained. We received alternative proposals seeking adoption of "punch-down" terminal strips as the interface means, but we are rejecting this variation of the existing policy. Too many problems are raised concerning assignment of responsibility and ascertainment of fault if we abandon the clear division which is established by a connectorized interface. Moreover, our rules require the disconnection of malfunctioning equipment from the telephone network, at the interface, until the malfunction is corrected. A connector can be withdrawn to accomplish such disconnection in a relatively fail-safe manner by the user (or other untrained individual); disconnection from the "punch-down" devices would not be similarly fail-safe. In addition, we are allowing for a degree of flexibility by accommodating the use of cross-connect adapters between multi-line interface connectors and the PBX and key telephone systems, to allow for single-line disconnection and rearrangement by the user, if required.

8. Our approach to "grandfathering" of existing equipments and installations is to accord grandfathering privileges to *entire* existing systems, including their wiring, their equipments, and any existing protective apparatus (e.g. a "connecting arrangement"). Any additions to such existing systems will have to conform to our new rules (which accommodate pre-existing techniques). Moreover, a procedure is adopted for reclassifying existing systems to permit existing protective apparatus to be dispensed with if it is unnecessary. In general, this procedure requires that the person who supervised the placement of existing prem-

ises wiring comply with our new Section 68.215 procedures as if the wiring were newly installed.

9. Another issue addressed herein is the treatment of voice-band signal power under Part 68. Our definition of "registered protective circuitry" in general would require that such circuitry limit voice-band signal power. However, we are adopting procedures which will permit various forms of protective apparatus to be used with PBX and key telephone systems. Such apparatus is not necessarily "protective circuitry" as defined in our rules, because it need not have all of the protective functions required by the definition. In view of this, it is important to clarify our treatment of voice-band (metallic) signal power, to assure that specific power-limiting components are not used unnecessarily. We clarify this issue by emphasizing that specific limiting is not required if the source of voice-band energy is a telephone microphone whose transmitter current approximates the dc transmitter current delivered by the local central office. On the other hand, specific signal power limiting is required through the use of protective circuitry, registration or grandfathering of a component of a PBX or key telephone system, where the generated energy is not "live" voice (e.g. data equipment or tape announcing equipment).

10. Finally, we address issues which remain concerning our mechanical environmental stress requirements as applied to physically "large" equipments such as PBX and key telephone system common equipment. In comments on reconsideration of our Second Report and Order, several parties had argued that the present mechanical stresses are burdensome as applied to such "large" equipment, and we set these arguments for further comment in the supplemental notice herein. In view of further comments which generally retreat from the claim that the stresses are burdensome, we are declining to modify these rules.

## II. BACKGROUND

11. Within Docket No. 19528, the FCC adopted a telephone equipment registration program which applies to Private Branch Exchange (henceforth, "PBX") and key telephone systems, as well as to other classes of telephone terminal equipment.<sup>1</sup> Equipment which complies with the technical standards contained in Part 68 of the FCC's Rules and Regulations, 47 CFR §§ 68.1 et seq., may be directly connected to the nationwide telephone net-

<sup>1</sup>For a detailed discussion of the scope of the registration program and a brief description of the various orders which adopted it, see Memorandum Opinion and Order, 64 FCC 2d 1068 (1977).

work without a need for carrier-supplied "connecting arrangements."

12. Prior to our decisions in Docket No. 19528, the *Hush-a-Phone*<sup>2</sup> and *Carterfone*<sup>3</sup> decisions had recognized a basic consumer right of using telephone equipment not furnished by the local telephone company with that local company's facilities, so long as such use is "privately beneficial without being publicly detrimental." In response to these earlier decisions, the telephone companies had revised their tariffs to generally accord this basic right to consumers. However, the carriers had argued that the telephone network is vulnerable to a variety of adverse effects which in theory might occur if others' equipment was inadequately designed. Based on the dual hypotheses that: (1) such inadequate design would actually occur, and (2) harm might actually result if inadequate design did occur, the telephone companies required the interposition of carrier-furnished protective devices (variously, "connecting arrangements", "data access arrangements" and "network control signalling units") between their facilities and all customer-provided equipment.<sup>4</sup> We accepted for filing tariffs which implemented the new requirement for such protective devices, and expressly declined to rule on their lawfulness.<sup>5</sup> Rather, we convened informal and formal proceedings to explore the need for the carrier-furnished protective devices, and to determine whether alternatives thereto were in the public interest. The various informal and formal proceedings coalesced in the instant broad rulemaking proceeding, Docket No. 19528.

13. Under the registration program adopted in this proceeding, a registrant is required to satisfactorily demonstrate that its equipment conforms, and will continue to conform, with the technical standards of our rules. Such conformance assures that use of the registered equipment will not be "publicly detrimental" and makes the use of additional protective devices (e.g. the "connecting arrangements") unnecessary. While this process thus assures that the equipment itself will be and will remain harmless, certain foreseeable action subsequent to the equipment's manufacture (installation, repair or modification of the equipment) could nullify the protec-

<sup>2</sup>*Hush-a-Phone Corp. v. United States*, 238 F. 2d 266 (D.C. Cir., 1956); see also on remand to the FCC, 22 FCC 112 (1957).

<sup>3</sup>*Carterfone*, 13 FCC 2d 420, *reconsideration den'd*, 14 FCC 2d 571 (1968).

<sup>4</sup>There were exceptions to this general requirement for certain "special" customers. See *First Report and Order*, 56 FCC 2d 593, 598 (1975).

<sup>5</sup>*ERR\*AT&T "Foreign Attachment" Tariff Revisions*, 15 FCC 2d 605 (1968), *reconsideration den'd*, 18 FCC 2d 871 (1969).

tion accorded by FCC registration if improperly performed. Such action is presently controlled in the rules either by making the registrant responsible for assuring proper performance,<sup>6</sup> or by making the action itself fail-safe.<sup>7</sup>

14. When we made the registration program applicable to PBX and key telephone systems in the *Second Report and Order*,<sup>8</sup> we noted a problem posed by these communications systems which was not present with respect to discrete items of equipment. These systems typically consist of "common equipment" (centrally-located equipment which is shared by the system) and "station equipment" (remotely-located equipment, usually telephones) with intra-system wiring between them. We recognized that the long wiring runs that usually connect common and station equipment in these communication system if improperly planned and installed, could nullify the network protection provided by the equipment at the ends of such wiring runs, unless specific protective circuitry protects against potential wiring aberrations. See, 58 FCC 2d at 744-46. In the absence of any concrete proposals which would assure proper wiring planning and installation—which would make such specific protective circuitry superfluous—we therefore required that all registered PBX and key telephone systems contain, or be used with, protective circuitry interposed between intra-system wiring and the telephone network interface. This circuitry might be incorporated within the common equipment, or it might be located externally (as had been the case of the carriers' previously-required "connecting arrangements").

15. In adopting this tentative requirement for the registration of PBX and key telephone systems, we limited the functions of the interposed protective circuitry which we were requiring to provide protection solely against potential wiring aberrations. We noted that wiring is passive and cannot itself generate any signals. The potential for a violation of our Part 68 technical limitations is caused by the possibility that wiring might become connected to earth ground (a violation of the longitudinal balance limitations) or com-

<sup>6</sup>Thus, only the registrant (or its agent) who has accepted responsibility for the continued conformance of the equipment to our technical standards may repair or modify registered equipment.

<sup>7</sup>Equipment may currently be installed only by plugging it into carrier-provided jacks (sockets); no matter how untrained the installer is, the operation of plugging telephone equipment in, which is presently employed by millions of telephone consumers to connect and disconnect carrier-provided telephone equipment, cannot result in harm.

<sup>8</sup>*Second Report and Order*, 58 FCC 2d 736 (1976).

mercial power wiring (a violation of the hazardous voltage limitations) through inadequate insulation or faulty installation. Thus, to protect against these effects, the circuitry which would be required to protect against potential wiring aberrations would only be required to limit imbalance and voltage.

16. At the same time that we adopted this tentative requirement, we also invited proposals for assuring proper planning and installation of system wiring in recognition that the circuitry which we were requiring to be interposed would be unnecessary in each case where the wiring was in fact performed properly. See, 58 FCC 2d at 746, n. 12. Petitions were subsequently filed seeking reconsideration of the *Second Report and Order*, and these petitions addressed, inter alia, the wiring issues and our tentative treatment thereof. As a result of these petitions and several rounds of comments which were filed by interested parties, two approaches to protecting the telephone network from potential wiring aberrations emerged: an "institutional" safeguard approach advanced by GTE Service Corp. ("GTE"), and a combined "institutional" and "hardware" safeguard approach advanced by American Telephone and Telegraph Co. ("A.T. & T."), each on behalf of their affiliated telephone companies. The "institutional" safeguard approaches involve procedures for assuring that the wiring is properly performed. The "hardware" safeguard approach involves a requirement for using specific protective hardware that would make proper performance of the wiring irrelevant to securing certain aspects of network protection.<sup>9</sup>

17. Although the wiring issues were ripe for resolution when we ruled on other technical issues which were before us in June, 1977 on reconsideration of the *Second Report and Order*, we declined at that time to rule on the merits of the GTE and A.T. & T. proposals. Rather, we extensively analyzed the fundamental issues related to PBX and KT system registration which were raised by these proposals, and set these for comment in a *Supplemental Notice of Proposed Rulemaking* ("Supplemental Notice") released concurrently with our order on reconsideration, 64 FCC 2d 1039 (1977). In addition, we noted that wiring between registered PBX and key telephone systems and the telephone network ("extra-system wiring") and means of connecting such systems to the telephone network raised issues similar to those raised by intra-system wiring, and we set these additional

issues for comment as well. Moreover, a host of issues were raised regarding treatment of existing equipment designs and equipment installations in view of our possible adoption of changes herein and we solicited comments on these issues. Finally, issues related to environmental tests to be applied to "large" equipment (e.g. PBX and key telephone system common equipment) were set for additional comments in view of comments which were previously received.

### III. PREMISES WIRING

#### A. ISSUES

18. The GTE and AT&T proposals which formed the basis for our *Supplemental Notice* herein differ as to the means of assuring conformance of PBX and key telephone systems, including their associated wiring, with the technical standards of Part 68 of our rules. GTE had proposed a program of institutional safeguards incorporating several measures to assure proper installation of wiring (which would make additional protection unnecessary). Among the measures proposed by GTE would be: a requirement that wiring be installed pursuant to national safety standards contained in the National Electrical Code; a requirement that such installation be supervised by competent, trained supervisors; and a requirement that certain acceptance testing be performed satisfactorily as a condition precedent to connection of the systems to the telephone network. AT&T's proposal also incorporated certain institutional safeguards, somewhat similar to those advanced by GTE, but it additionally would have required the use (within the PBX or key telephone system) of specific voltage-limiting circuitry.

19. In setting the issues of the *Supplemental Notice* for comment, we noted that the telephone companies themselves have relied on institutional safeguards to protect the telephone network from wiring aberrations as they might arise during installation of their own equipment, and not hardware protection. Apparently this approach had proven adequate, notwithstanding that the telephone network is vulnerable to wiring aberrations, whether they arise from installations by the carriers' employees or by others. Moreover, we noted that the carriers' competitors claimed that similar institutional safeguards would be adequate for their wiring installations as well.

20. However, the carriers had consistently argued in this proceeding that not every installation by a non-carrier employee would assuredly be adequate, and that therefore, in the carrier's view, additional assurances are required to secure adequate protection of the telephone network when others

perform such installations.<sup>10</sup> While we set for comment herein the question of whether or not a program of institutional safeguards would be adequate to achieve network protection in the environment of PBX and key telephone system installations—which will not normally be performed by the untrained—we also solicited comments assuming *arguendo* that the carriers could sustain the position that only their employees are assuredly competent to install wiring or to evaluate wiring installations by others. Thus, we solicited comments on whether the carriers should be required to inspect installations by others, or failing that, whether the carriers should be required to install wiring for others.

21. In sum, we solicited comments on a variety of possible approaches to securing adequate network protection, consistent with retaining equipment design flexibility and not imposing any unnecessary burdens. We asked that comments not be limited solely to the GTE and AT&T proposals, as these proposals are not the only means available for assuring adequate network protection. For example, we noted that acceptance testing might be used to assure not only adequate longitudinal balance (as was proposed, somewhat differently, by both GTE and AT&T), but that it also might be used to assure adequate insulation of telephone wiring from hazardous voltage sources. We noted that a requirement that telephone wiring be run in mechanical channels exclusively devoted to such wiring (e.g., pipes or conduit) would environmentally preclude inadvertent contact between telephone wiring and commercial power wiring, thereby making additional protection against such hazardous voltages unnecessary, as another possible alternative to the two proposals before us. Finally, we noted that the specific institutional measures proposed by GTE (conformance of the wiring to the National Electrical Code, supervision by an individual with 12 months of on-the-job experience in telecommunications who had received training by the equipment manufacturer in its installation, use of laboratory equipment to test the balance parameters of completed wiring, etc.) were not necessarily the only rational measures which could be employed, and that

<sup>10</sup>It should be noted that this is the same argument which the carriers had used in the past to sustain the requirement for a "connecting arrangement" for customer-provided equipment. Implicitly, the carriers have assumed that every installation by their employees will be proper. In support of this assumption, they have cited their training and supervision of installation personnel, and their control over the tools and equipment associated with wiring as well as their control (through purchasing or manufacturing specifications) over the wire itself.

<sup>9</sup>The specific GTE and A.T. & T. proposals are discussed in detail in Section III of this order.

different elements of an overall program of institutional controls could be adopted.

22. The specific issues delineated in the *Supplemental Notice* were:

(a) What should be the form and extent of any discretionary action allowed in the installation of PBX and key telephone systems, and the configuration of PBX and key telephone systems from sets of registered components and subassemblies thereof?

(b) How, if at all, is the class of persons who are to be deemed competent to perform such actions to be defined?

(c) What constraints shall be placed upon extra-system wiring (wiring between the system and the telephone network) and intra-system wiring (wiring between system components) through technical standards to be incorporated in Part 68 of the FCC's rules, consistent with levels of discretionary action which are to be allowed?

(d) If the present (tentative) approach of the registration program to PBX and key telephone system registration (interposition of protective circuitry between the telephone network and intrasystem wiring) is to be continued, either without modification, modified as proposed by AT&T (hazardous voltage protection only) or as an alternative option to whatever rules are adopted herein, are there designs or design constraints which can reduce the cost of such circuitry below the levels which AT&T has advanced: \$30 to \$40 per-circuit if the tentative requirement of protection against both hazardous voltages and imbalance is retained; \$20 to \$25 per-circuit for AT&T's initial design of a circuit intended to protect solely against hazardous voltages?

(e) In view of the possible definition of a class of persons deemed competent to perform acts which potentially could negate the network protection built into registered PBX and key telephone equipment if improperly performed, and the possible allowance of levels of such action herein, what means shall be specified in Part 68 of the FCC's rules for connection of PBX and key telephone systems to the telephone network?

(f) Should inspection by qualified inspectors be used to assure proper installation of wiring? How is the class of "qualified" inspectors to be defined?

(g) Are telephone company employees qualified to perform inspection, and if so should telephone companies be required to conduct inspection of PBX and key telephone installations by non-affiliated suppliers or installers? Under what terms and conditions should the telephone companies be required to do so?

(h) Are the authorities who normally enforce the National Electrical

Code (local inspectors or licensed electricians) qualified to perform inspection of PBX and key telephone installations? Could the Commission appropriately adopt rules which condition the right to connect registered PBX and key telephone systems to the telephone network upon satisfactory completion of such local inspection?

(i) If telephone companies are to remain as the only entities qualified to install wiring unless electrically located behind interposed protective circuitry, to what extent shall the telephone companies be required to install wiring that connects registered components of PBX and key telephone systems? On what basis?

(j) In view of the possible continuation of our tentative requirement for interposed protective circuitry, or of our possible adoption of AT&T's proposal for limited-purpose interposed protective circuitry or a variant thereof, what procedures shall be adopted to allow for the installation of "grandfathered" PBX and key telephone equipment which does not already inherently contain such interposed protective circuitry?

(k) In view of the foregoing, what specific rules should be adopted in Part 68 of the FCC's Rules and Regulations, 47 CFR §§ 68.1 et seq., to deal with the issues of discretionary action regarding installation and/or configuration of PBX and key telephone systems?

Notice of the foregoing was given in 42 FR 32269, June 24, 1977.

#### B. PARTIES' COMMENTS:

23. Timely comments were filed by<sup>11</sup>: Action Communications Systems, Inc.; American Telephone and Telegraph Co. ("AT&T"); Bunker-Ramo Corp.; Communication Certification Laboratory ("CCL"); Continental Telephone Corp.; Gaines M. Crook & Associates; GTE Service Corp. ("GTE"); J. P. Neil; North American Telephone Association ("NATA"); Pulsecom Division, Harvey Hubbell Inc.; Rolm Corp.; and Utilities Telecommunications Council ("UTC"). Timely replies were filed by<sup>12</sup>: AT&T; Continental Telephone Corp.; GTE; and NATA. CCL filed reply comments which were received after the date specified therefor, not accompanied by a motion to accept this late filing.<sup>13</sup> On October 31,

<sup>11</sup>The time for filing comments was extended to August 15, 1977, by order released July 21, 1977 (mimeo No. 86835) by the Chief, Common Carrier Bureau under delegated authority.

<sup>12</sup>The time for filing replies was extended to September 23, 1977, by order released September 13, 1977 (mimeo No. 88986) by the Chief, Common Carrier Bureau under delegated authority.

<sup>13</sup>Inasmuch as no party is prejudiced thereby, we are accepting these otherwise unauthorized reply comments. In so doing,

1977, we received from CCL a motion to accept the filing of additional comments, and brief supplemental comments.<sup>14</sup>

24. The comments and replies generally responded to the specific issues on which we requested comments herein, however they tended to be introduced by comprehensive proposals not specifically broken into constituent parts addressing these issues. For this reason, we will briefly summarize each party's approach to the issues of this proceeding by party, rather than by listing each of the issues and following each such issue by each party's comments thereon.

25. We are summarizing herein those comments which are pertinent to our analysis and discussion of the issues, and to the regulatory policies and rules which we are adopting herein. Of course, we have carefully reviewed all of the comments which we have received, and any failure to summarize specific proposals contained in the comments should not be construed as a failure to consider these sub-proposals in reaching our decisions in this proceeding.

#### COMMENTS

26. This supplemental rulemaking was initiated by two fundamentally different proposals, by GTE and AT&T. In their comments, these parties have continued to advance their fundamental proposals, although they have been somewhat refined. Most of the remaining comments which we received have been structured in terms of the initial proposals, and accordingly we are summarizing the GTE and AT&T comments first.

27. AT&T. AT&T continues to advance the combination of "hardware" controls and "institutional" controls which were described in the supplemental notice of proposed rulemaking, to provide protection against possible wiring aberrations and other such discretionary actions which have the potential, if improperly performed, of negating network protection otherwise accorded by terminal equipments. In essence, AT&T would prefer that a "hardware" barrier be required to excessive voltages (resulting from contact of telephone and commercial

however, we caution CCL that in the future we will not be as prone to ignore the requirements of our stipulated filing periods.

<sup>14</sup>This motion is hereby granted. The substance of the additional comments is to estimate, without support, the cost of protective circuitry which CCL proposed the use of in its comments. In our analysis, *infra.*, we reject CCL's comments on its proposed interface circuit design (including its cost estimates) as too unsupported and speculative to form a basis for decision-making herein. Accordingly, acceptance of the additional comments will not prejudice any other parties.

power wiring) and longitudinal imbalance (resulting from contact of telephone wiring with earth ground) be used in all cases. However, in recognition that some existing PBX designs make this approach uneconomic, and virtually all existing key telephone system designs similarly make this approach uneconomic, AT&T proposes the use of "institutional" controls to protect against longitudinal imbalance where there is dc continuity between the wiring and the telephone network, and the use of a hazardous voltage protective circuit ("HVPC") as a barrier to excessive voltages, for these PBX and key telephone system designs.

28. AT&T also proposes the definition of two classes of discretionary actions in our rules. The first, which could be performed by any individual (including the untrained user of the equipment) would include activities currently sanctioned within Part 68 of our rules. Specifically, these would include insertion and withdrawal of connectors specified in our rules for interfacing to the telephone network, and the performance of maintenance and re-configuration options which are described in the registration application, and which are relatively "goof-proof" in their performance (e.g. replacement of connectorized, plug-in components, switching of option-determining switches, etc.). The second, which would be limited to our grantees and their agents, would allow for execution of operations affecting system options within equipment housings, and connecting together separately-housed system entities using spade-tipped leads (rather than "goof-proof" connectors).

29. AT&T admits that telephone company employees are qualified to inspect wiring performed by others, but submits that it would be unwise to require them to do so because of potential allegations of arbitrariness. It rejects our proposal that electricians, or those who locally enforce building and electrical codes, be required to inspect wiring installations, because in AT&T's view these entities are not qualified by experience to form judgments about telephone wiring.

30. Finally, AT&T argues against GTE's proposal on the grounds that it is inadequate, and more expensive than the "modest" costs associated with its own proposal. The costs of AT&T's various proposals are estimated, but no estimate is given of the likely costs of any "institutional" approach to providing network protection.<sup>14</sup>

31. AT&T's proposal for dealing with existing equipment designs, under the ambit of "grandfathering",

<sup>14</sup>See our analysis, *infra.*, for a detailed presentation of AT&T's cost estimates.

is a two-step proposal. First, AT&T proposes that we "grandfather" entire system installations, including their wiring and any protective apparatus with which they may currently be used. This would require no changes in existing equipment installations. And second, AT&T proposes that we treat carriers and others differently in the future, that is, that we require (AT&T's proposed) "hardware" protection in future installations by others, but not by the telephone companies. If an existing customer-provided installation were to be changed so as to dispense with an existing carrier-furnished "connecting arrangement" (protective device), AT&T would have us allow for the retrofitting of protective hardware consistent with its general proposal for the use of such hardware in new equipments and systems.

32. GTE. GTE continues to advance the use of "institutional" controls to assure that wiring is properly performed (and thereby make the use of additional protective hardware unnecessary), but it now seeks to limit this approach to existing designs of PBX and key telephone systems. For all new designs of such systems, GTE is of the view that a hardware barrier against hazardous voltages and longitudinal imbalance (the tentative approach of our Second Report and Order) is fully appropriate.

33. In assessing the likely cost of AT&T's proposals, GTE notes "When factors such as production quantities and performance requirements to assure continuing service are considered, the costs may be slightly higher" than AT&T's estimates.

34. GTE notes that "other than telephone company employees, there does not appear to be a presently existing force available to make inspections" and concludes that such employees are qualified to inspect wiring installed by others, although, like AT&T, GTE is of the view that it would be unwise to require telephone company inspection of others' installations. As an alternative to telephone company inspection of wiring, GTE proposes FCC licensure of installers, pursuant to written examination procedures patterned after our licensed of radio operators.

35. *Action Communication Systems, Inc.* Action manufacturers equipment which is connected to a multiplicity of PBX station lines and trunks, and is therefore much in the same position as suppliers of the PBX systems themselves with regard to wiring issues. In general, Action proposes that the tentative requirements of our Second Report and Order be continued, and that certain controls over "extra-system" wiring, advanced in the supplemental notice and generally agreed to at informal meetings by the affected industry be adopted. Action also

notes that inspection of its cabling (wiring) by a local telephone company would be acceptable to it.

36. *Continental Telephone Corp.* Continental fundamentally proposes continuation of the approach of our Second Report and Order, of requiring separate, identifiable and discrete protective hardware against hazardous voltages and imbalance, to deal with potential wiring aberrations.<sup>16</sup> It submits that this approach is most consistent with our concern that any rules which we adopt lead to minimal governmental interference with efficient equipment design and installation techniques. Moreover, it claims that this "hardware" approach is less costly than any "institutional" approach which we might choose to adopt.

37. Continental argues that it should have an opportunity to comment on any specific rules which we may adopt in this proceeding, and for that reason it advances no specific comments on any "institutional" approach to dealing with wiring issues.<sup>17</sup> In general, Continental observes that any non-"hardware" approach to wiring installations should require the use of installers licensed by the Commission, and inspection by FCC employees. Having made this point, Continental then concludes that such an approach would represent a "high and escalating burden for the Commission."

38. Finally, Continental urges that we clarify our treatment of signal power limiting requirements in light of our decisions herein concerning PBX and key telephone system registration.

39. *NATA.* NATA's fundamental position is that "the basic issues to which this rulemaking addresses itself are without substance" and that they address the "hypothetical possibility of improper installation resulting in harm." Consistent with this position, NATA argues that we should confine the reach of the registration program solely to equipments, and not address the potential for negation of the protection accorded by the program if wiring connected to such equipments is improperly performed.

40. NATA is willing to certify to the local telephone company that a particular PBX or key telephone system, including its wiring, causes our technical requirements at the network interface to be met. However, it also takes the position that there should be no enforcement or inspection to assure that the certification comports with reality. NATA argues that its mem-

<sup>16</sup>Continental in fact misreads the Second Report and Order. We specifically allowed for integration of such protective apparatus with the PBX or key telephone system common equipment.

<sup>17</sup>It has that option here. Continental is free to petition for reconsideration of, or changes to, the rules which we are adopting.

ber's employees are no less qualified to install wiring than those of the telephone companies, and therefore the carriers' employees should not be given the right to approve installations by NATA's members.

41. NATA argues that AT&T's proposal is internally inconsistent because it treats "intra-system" and "extra-system" wiring differently, even though, in NATA's view, both forms of wiring pose the same potential problems. It also argues that there is another inconsistency between the use of "institutional" safeguards to protect against imbalance, and "hardware" safeguards to protect against excessive voltages. In NATA's view, if "institutional" measures are adequate for the one, they are adequate for the other as well. NATA does not address the difference in effect between potential hazardous voltages, and a possibility of inducing interference in others' communication paths through imbalance.

42. NATA objects to GTE's proposal on other grounds. It argues that use of the requirements of the National Electrical Code within our rules might represent an unlawful delegation of our authority, and would lead to discrimination between installations by telephone companies and installations by others.<sup>18</sup> Moreover, NATA objects to GTE's proposed definition of a competent installer as an individual who has received training in the installation of the "specific" system to be installed. In NATA's view, training in the installation of comparable systems should be transferrable.

43. Finally, NATA takes the position that we should not strictly regulate the means of interfacing the PBX and key telephone systems with the telephone network, and allow for the use of relatively standard interface means currently used in the industry. These means include various forms of terminal strips, "punch-down" terminal devices, and others, as well as connectorized interfaces. Failing this, NATA urges that we allow for the use of field-installable connectors to accommodate the limited number of installations, identified in the supplemental notice, where pre-installed connector/cable assemblies cannot be used.

44. CCL. Like NATA, CCL believes that section 90-2(b) of the National

Electrical Code exempts the telephone companies' own wiring from the Code's requirements, and that therefore, if we were to accept GTE's proposal we would be propounding a discriminatory requirement. CCL argues that "the 'harm' of hazardous voltage is a well-perpetuated and exaggerated myth" and that it actually does not occur because of existing requirements that commercial power wiring be adequately insulated. CCL addresses the possibility of imbalance arising from improper telephone wiring by noting that "essentially, the only requirement is that the conductors and any junctions or terminals of the conductors are adequately insulated from earth ground." CCL does not propose how this result should be achieved.

45. CCL takes the basic position that the only inspector of wiring and other discretionary actions needed is the user of the equipment. In CCL's view, any improper wiring will cause the equipment to malfunction, and the user will observe the malfunction and have it corrected.

46. CCL advances the results of preliminary analysis and circuit design, to propose generally the use of what it styles an "interface" which protects against possible contact of telephone and commercial power wiring. Such a device would not be integrated with the terminal equipment or premises communications system, but would be a separately-housed component, with testing functions in addition to protective functions. It estimates the cost of this design as comparable to the figures advanced by AT&T for its "hardware".

47. Finally, CCL proposes that we "grandfather" entire systems, including any protective apparatus through which they may currently be connected.

48. *Bunker-Ramo Corp.* Bunker-Ramo's comments address means of connecting PBX and key telephone systems to the telephone network. In essence, Bunker-Ramo proposes that we continue our current approach of requiring connectorized interfaces, but that we allow for the use of plug-in, connectorized, cross-connect panels to achieve flexibility.

49. *Gaines M. Crook & Associates.* Mr. Crook argues that acceptance testing, using a multimeter device, at the time of "cutover" (connection of the system to the telephone network) is all that is required to assure that there is no contact of wiring with hazardous voltages or earth ground. If there is no such contact at the moment of "cutover", in Crook's view there will be none in the future.

50. *J. P. Neil.* Mr. Neil argues that "it is high time for the FCC to take a practical look at all these factors (such as the wiring issue) on a practical basis rather than unfounded submitted rhe-

toric." He otherwise does not address the issues of the supplemental notice.

51. *Pulsecom Division, Harvey Hubbell Inc.* Pulsecom urges that we continue the approach of the Second Report and Order, and make it more stringent by requiring that all PBX and key telephone systems be used with protective apparatus that protects against not only wiring aberrations (hazardous voltages and imbalance) but also excessive signal power. Pulsecom supports the use of connectorized interfaces, using connectors currently specified in our rules. Finally, Pulsecom urges a 12 month phase-in time for any rules which we might adopt.

52. *Rolm Corp.* Rolm, a supplier of PBX and key telephone systems, supports AT&T's proposals for the use of "hardware" protection. If we choose to allow for an "institutional" approach, Rolm urges the use of field-installable connectors for system wiring, the use of cable and wire specifications currently propounded by the Rural Electrification Administration, and rather than a reference in our rules to the National Electrical Code, a more specific requirement that telephone wiring be separated at least 10 inches from any commercial power wiring. It also notes that its installations are currently required to conform to local electrical and building codes.

53. Rolm presents the results of a survey of its own distributors and their employees, to demonstrate their competence to install telephone wiring:

(a) *Installation personnel:* 608 persons, of which 396 have an average of 5.2 years of experience as an employee of a telephone company or an equipment manufacturer.

(b) *Supervisory personnel:* (number not stated) inspect 100 percent of all installations; these personnel have an average of 8.6 years of experience as an employee of a telephone company or an equipment manufacturer.

54. *UTC.* UTC takes the position that the carriers' own internal "institutional" procedures for assuring proper telephone wiring are all that is needed for others, and urges that we base any rules on the contents of the telephone companies' standard practices documents (e.g. Bell System Practices, General System Practices, etc.). Although it is somewhat ambiguous in its proposal, it would appear that UTC proposes that all wiring installation be performed under the supervision of a licensed professional engineer, and that it would be subject to inspection by any individual who is qualified either by having received an electrical engineering degree or by having had relevant work experience. It is not clear from the foregoing where supervision would end and inspection would begin, and we can only

<sup>18</sup>There is an ambiguous section of that Code which appears to exempt installations by telephone companies in locations solely under the carriers' control. In our view, that section exempts the telephone companies' equipment rooms from the power wiring requirements of the Code, and does not exempt their PBX and key telephone system wiring from the Code. In any event, we are adopting rules which assure no discrimination between telephone companies and others. See section 68.215(d)(4) in Appendix B to this order.

reconcile the two proposals by assuming that UTC implicitly assumed that inspection would be done by third parties.

## REPLIES

55. *AT&T*. In general, AT&T responds to those comments urging adoption of "institutional" safeguards by restating its belief that any such program would not be as effective in protecting the network as "hardware", and would likely be more costly. AT&T provides no estimate of the likely costs of any such "institutional" proposal. It responds to UTC by stating that universal installation standards do not exist (at least in the Bell System) and furthermore, that existing Bell System Practice documents assume that their readers have received specific training and will be performing their duties under supervision. AT&T argues against NATA's proposal for the use of flexible interface means, asserting that means other than connectors are not fail-safe and require special skill in their use. In general, AT&T supports Action's comments.

56. *GTE*. GTE urges that we adopt AT&T's proposals as an available alternative to the "institutional" controls it itself is advancing (for existing equipment designs). GTE reviewed the (sketchy) details provided by CCL of its proposed protective interface design, and concludes that this specific design will cause greater problems in GTE service areas than it may solve. In electronic central office areas, the device will likely cause diagnostic alarm conditions, "lock out" of customer lines, false billing and certain administrative expenditures. In mechanical central office areas, the device would be treated as a telephone instrument repeatedly entering and exiting the off-hook state and unnecessarily tying up switching equipment.

57. *Continental*. Continental views AT&T's entire proposal as so complex as to be impractical to implement. It continues to believe that a relatively simple protective circuitry program would avoid the complexity, cost and inevitable public confusion associated with any other program. It argues against NATA's claim that its membership is competent to install wiring, and therefore the Commission should not address wiring, by noting that NATA cannot speak for all potential installers of telephone wiring, even assuming that its own members in fact are competent.

58. *Continental* continues to assert that the cost of a protective circuitry approach is likely to be lower than the costs associated with a program of "institutional" controls, and notes that protective circuitry costs are likely to decline with time because of technological advances. It cites CCL's propos-

al as indicative of this trend. Notwithstanding the foregoing, Continental concurs in AT&T's dichotomizing discretionary actions which may be performed by the user (or other untrained individual) and those which may only be performed by the registrant or an agent thereof (one who is presumably competent).

59. It supports a continuation of the current connectorized means of interfacing equipment and systems with the telephone network, and it also supports accommodation of connectorized cross-connect devices which are relatively fail-safe in addition thereto.

60. With respect to "grandfathering", Continental basically continues discrimination between carrier-provided and customer-provided systems. If we adopt rules which will in the future require the carriers' equipment to incorporate new protective components or circuitry, Continental urges that there be such discrimination during an eighteen month transition period, wherein carrier-provided equipments would not be required to use such circuitry.

61. *NATA*. In NATA's view, there is a consensus among the parties filing comments (except for AT&T) that a minimal regulatory program, if any program at all, is necessary to protect against potential wiring aberrations; the only program, if any, which is required is the certification standard advanced by NATA. NATA continues to urge that the various "hardware" proposals by AT&T are ineffective, although it acknowledges that much current PBX system hardware already inherently contains the type of protective apparatus proposed by AT&T. NATA characterizes CCL's comments as self-contradictory inasmuch as they first conclude that no "hardware" protection is needed, and then continue on to advance the use of protective apparatus. NATA notes that CCL's circuit design carries the risk of causing the disconnection of the premises terminal equipment or system when the telephone network itself (and not the premises equipment) generates excessive voltages; this would penalize the user for conditions completely outside the user's control as it would disrupt the user's telephone service. Finally, NATA argues that neither AT&T nor CCL can justify the cost-benefit ratio of their proposed "hardware" solutions.

62. *NATA* takes the position that a customer of an existing installation of a PBX or key telephone system, using the carriers' "connecting arrangements" "should have the absolute and unqualified right—immediately upon implementation of Part 68—to require that the VCA (protective device) be removed forthwith." In advancing this position, NATA totally ignores the question of whether or not existing

wiring located electrically behind the "connecting arrangement" presents a potential for harm. Finally, NATA continues to urge flexible interface requirements, including the use of field-installable connectors and terminal strip devices.

63. *CCL*. CCL characterizes AT&T's comments as "lucid" and generally supports them. It argues against the proposals for the use of "institutional" controls over qualified installers, and continues to advance its belief that the user is qualified to judge the adequacy of a given installation. CCL believes that any attestation program is unnecessary, and will only burden the industry with additional paperwork. Finally, CCL advances a proposal for FCC "listing" of various connectors, adapters, wiring devices and terminal strips which might be used to configure and connect systems together.

64. In its supplemental comments, CCL claims the creation of a new protective circuit (not therein described) which "will protect the telephone network from hazardous voltages" at a cost of \$5. This new device has no other capabilities. CCL states that this protective circuit, using solid-state components "provides the same degree of protection as that protection provided by the proposed AT&T device."

## C. ANALYSIS OF THE ISSUES

65. The choices which are before us at this time still follow the fundamental dichotomy between institutional controls and hardware protection which we identified in our Supplemental Notice. The various comments have assumed that the registration process will adequately provide protection against equipment failures, and have focused on those foreseeable actions which occur subsequent to the manufacture or assembly of the equipment which could, if improperly performed, negate the protection otherwise accorded by the equipment's design. Such actions, which we have called "discretionary", would include installation of the equipment, repair of the equipment and modification of the equipment.

66. Where equipment itself incorporates protective functions (or is connected to the telephone network through other equipment in incorporating protective functions) such "discretionary" actions will not have this potential. In essence, such "hardware" protection makes the "discretionary" actions irrelevant to assuring continued network protection. Where the equipment itself does not incorporate protective functions which make the "discretionary" actions irrelevant to network protection, some controls extrinsic to the equipment evaluation process are necessary to assure continued protection from harm; it is these extrinsic controls which we have characterized as "institutional" herein.

67. When we ruled in *Carterfone* on the lawfulness of blanket prohibitions on the use of equipment and systems not provided by the local telephone company (so-called customer-provided equipment and systems) we concluded that the essential vice of these tariff prohibitions was that they were indiscriminately applied both to harmful and to benign equipment and systems. Prohibiting the connection of benign equipment and systems could not legally be sustained.<sup>19</sup> The carriers responded to this ruling by requiring protective devices (which made the connections irrelevant to network protection) for all connections of customer-provided equipment and systems.<sup>20</sup> As we found in our First and Second Reports herein, this response unnecessarily required the use of the protective devices for those connections which were benign.

68. The registration program, as applied to discrete units of equipment, has made the distinction between benign and harmful connections one that can be made by class, rather than by examining the merits of each individual connection. Registrants demonstrate to the FCC that their equipment will comply with certain technical standards which define benign connections. Once the FCC has determined such compliance, the carriers cannot lawfully restrict the connection of such equipment.<sup>21</sup>

69. In the case of PBX and key telephone systems, however, action is normally expected to be taken during installation, configuration, repair and modification of these complex systems which has the potential of negating the FCC's evaluation that the connec-

tions will be benign. This action is not necessarily predictable and fully under the control of the registrant, but rather is different for each individual connection. For example, the wiring which connects various components of these communications systems is uniquely installed and placed for each individual customer premises, with labor performed at the time of the installation which may or may not negate the network protection built into the equipment (unless there is specific protective circuitry which makes such action irrelevant to network protection). AT&T would have us deal with this potential problem in much the same manner as it previously did in the wake of the *Carterfone* decision. It would have us require that protective circuitry be built into all terminal equipment used with field-installed wiring to make that wiring irrelevant to continued network protection.

70. The most basic vice of this approach is that it would require the use of such circuitry unnecessarily for each installation where the wiring in fact is performed properly. Since well over 95% of all PBX and key telephone systems are currently furnished

by the telephone companies, who presumably have competent installation personnel (or who claim to), these installations will likely be done properly. Since most theoretically possible wiring aberrations will cause the PBX or key telephone system to malfunction, the carriers' competitors are obviously motivated to also perform quality equipment installation, or failing that, the users of these systems would be motivated to have any failures repaired. We are therefore considering a very small percentage of all PBX and key telephone system installations which, in a real sense, would actually require protective circuitry. But, under AT&T's approach, the circuitry would be required for all of these installations.

71. It might still be argued that the protection accorded by requiring such protective circuitry (largely unnecessarily) is warranted because there is little burden associated with requiring such circuitry. The figures provided us, however, belie any such argument. AT&T has furnished us various estimates of the cost of using the two forms of protective circuitry which it is proposing that we require for PBX and key telephone systems:

	Installed cost	Annualized cost over life
1. Limited-purpose hazardous voltage protection:		
Integrated in the equipment design .....	\$20/line .....	\$9.50/line.
Added to existing equipment designs .....	\$35/line .....	\$14.80/line.
2. Hazardous voltage and imbalance protection:		
Integrated in the equipment design, equipment already uses transformer coupling.	\$20/trunk .....	\$8.80/trunk.
Added to existing equipment designs using transformer coupling.	Not stated .....	Not stated.
Added to existing equipment designs which do not use transformer coupling.	\$130/line (key telephone system), \$206/trunk (PBX).	Do.

<sup>19</sup>*Carterfone*, op. cit.; see also *Hush-a-Phone*, 238 F. 2d at 268.

<sup>20</sup>In some cases, the carriers established procedures to allow for the connection of benign equipment without protective devices. They allowed the direct electrical connection of operators' headsets, conferencing devices and telephone answering equipment which had been demonstrated to AT&T as benign. Moreover, "special" entities (e.g. railroads, pipeline companies, governmental agencies, etc.) were presumed competent by the carriers to install and maintain their own telephone equipment and communications systems; their installations were in essence deemed benign by the carriers.

<sup>21</sup>It should be noted, however, that the converse condition does not necessarily obtain. Equipment which does not conform to the technical standards of our rules may or may not actually cause harm. In the Commission's expert judgment, expressed in the First and Second Reports herein, the likelihood of harm actually occurring in the event of a non-conforming connection is sufficiently high as to allow tariff prohibitions on the connection of non-conforming connections to remain effective. Moreover, the carriers have the right to require disconnection of any equipment which actually causes harm.

AT&T characterizes the stated annualized costs of following this proposal as "modest,"<sup>22</sup> and states its belief that no alternative program of "institutional" controls can achieve the same level of protection at the same or lower cost. In its reply comments, AT&T cites the pattern of innovation which has generally prevailed in the electronics industry over the past 20 years as indicative that these "modest" costs will undoubtedly be reduced over time. Another party, CCL, has presented the preliminary results of an alternative circuit formulation providing limited-purpose protection against hazardous voltages, and has claimed lower costs than those estimated by AT&T. While this proffer tends to support AT&T's position that the costs will decline with time and innovation, the information furnished by CCL is not sufficiently specific for us to predicate a decision on it.

<sup>22</sup>Comments, p. 12.

72. Notwithstanding A.T. & T.'s use of the term "modest" to characterize its cost estimates, these potential costs, which ultimately will be borne by consumers, can otherwise be placed in perspective. If key telephone lines are provided at typical exchange rates, often in the range of \$10 to \$15 a month, A.T. & T.'s cost of adding the least costly protective circuitry to existing designs of key telephone equipment would appear to represent about one month's line charges, or alternatively stated, would add about 8 percent to the monthly charge paid for by the subscriber.<sup>23</sup> The cost of the other proposals advanced by A.T. & T.'s are higher, with the sole exception being integration of protective circuitry with PBX designs that already use transformer coupling. We cannot therefore conclude that the costs of A.T. & T.'s

<sup>23</sup>It is assumed for the foregoing that no profit would be taken on such protective circuitry, whether provided by the carrier or by another.

proposals are not burdensome or insignificant, particularly when they would be incurred in the vast majority of cases unnecessarily.

73. We have consistently treated carrier-provided and customer-provided terminal equipment identically in the telephone equipment registration program. Were we to continue this evenhanded treatment while adopting A.T. & T.'s proposal for hardware protection, all subscribers would be forced to incur a not-insignificant additional expense, to avoid the possibility that an extremely small number of installations might be defective. On the other hand, were we to accept A.T. & T.'s hardware proposal and its proposal that it only be applied to noncarrier installations, we would be sanctioning the very type of discrimination against customers and competitors which our registration program was designed to eliminate.

74. GTE's fundamental approach recognizes that the vast majority of installations of communications systems, by telephone companies and by others, will in fact be done properly, and that what really is required is a set of rules defining what is proper in this context. This "institutional" approach is similar to that which the telephone companies themselves follow, both when their employees perform wiring and when others do so as sub-contractors of the carriers, for the carriers' wiring has the same potential of negating network protection as wiring by others. This "institutional" approach is particularly warranted in the case of complex communications equipment such as PBX and key telephone systems which are not normally installed by the untrained. As a practical matter, consumers would simply not attempt to install such complex equipment themselves; the nature of the systems themselves largely dictates that they will be installed competently.

75. Adoption of GTE's fundamental approach will not impose additional costs on the vast majority of equipment installations which are performed by the telephone companies. We are adopting procedures patterned after the carriers' own, and we would therefore expect that the carriers will have to make no changes in the equipment or procedures currently used for their own installations.<sup>24</sup>

76. A.T. & T.'s and Continental argue that adoption of any program of "institutional" safeguards will itself

<sup>24</sup>This would not be the case if we were to adopt A.T. & T.'s proposal and also continue the non-discriminatory approach of our rules. The proposal which A.T. & T. is advancing is not met currently by most of the Bell System's older PBX systems, nor is it met by virtually all existing key telephone systems, regardless of supplier. Hardware would have to be added to or used with these equipment designs—at labor and manufacturing costs to be passed on to and borne by consumers.

carry costs of administration. As we view the "institutional" procedures which we are adopting herein, any such new costs will be insignificant. Most of the procedures which the telephone companies will engage in if customer-provided PBX or key telephone systems are to be connected using our new "institutional" safeguards are attendant to the provision of line service to a customer's premises, and are the same regardless of whether a jack is to be installed, a "connecting arrangement" is to be installed, or telephone company-provided equipment is to be installed. We are adopting certain extraordinary measures, including a right of inspection and a right of having protective circuitry or apparatus installed, and these measures will carry costs. We would expect these costs to be borne by the users who properly occasion them, however we regard these procedures as very much the exception and not the rule.

77. Moreover, the costs associated previously with the "connecting arrangements" (which presumably were borne by their users) will disappear. These costs include specific costs associated with their design, development and manufacture, as well as more diffuse costs associated with exchanging information between the carriers and equipment manufacturers in their use and characteristics. In addition, we are creating certain inducements in our rules towards the use of protective apparatus for relatively complex systems which will tend to make the use of the extraordinary remedial measures wholly unnecessary for these systems, and this too will minimize any new administrative costs. Weighing the foregoing considerations together we conclude that overall costs will either be reduced or unchanged.

78. In addition, A.T. & T. has commented that a requirement that protective circuitry be retrofitted to existing carrier-provided equipment is fundamentally illogical. Our program assumes that the carriers in fact will be able to competently install the wiring leading to the standard jacks which are required to be provided by the carriers, under Section 68.104. A.T. & T. argues that a new requirement that protection is required against wiring connected thereto by the same personnel, generally using the same materials and installation techniques, would obviously be unnecessary.<sup>25</sup>

79. In view of the foregoing, we are adopting the fundamental approach of using "institutional" controls in our rules to assure that wiring (and other "discretionary" actions) are properly performed, to minimize unnecessary burdens to all suppliers of PBX and key telephone systems, be they carriers or others. In so doing, we are al-

<sup>25</sup>A.T. & T. uses this argument to support its position that we sanction discrimination. A.T. & T. would have us require the use of the hardware circuitry only for non-telephone company equipment. See also Continental's comments.

lowing equipment manufacturers and suppliers the option of using the types of protective circuitry proposed by A.T. & T. herein, if they determine that use of this technique of securing network protection is warranted. Protective circuitry will give these suppliers the option of avoiding the "institutional" procedures of our rules (if fully-protective circuitry is used) or of limiting these procedures. Moreover, we are allowing the carriers to require the use of such circuitry, or to install such circuitry if the user chooses not to do so, in any case where its use is in fact warranted as a remedy for inadequate wiring.

80. This decision strikes a reasonable balance between the approaches advanced by all parties in this proceeding as it allows for the use of protective circuitry in those cases where it is economic to use it (largely for installations of complex systems such as large PBX's), while it avoids requiring such circuitry to be used in those instances where such a requirement would be burdensome (largely, key telephone systems). Moreover, this decision creates incentives in future designs towards the use of protective circuitry to avoid cumbersome installation procedures.

81. With the foregoing discussion of our fundamental decision herein as a backdrop, we now proceed to discuss in detail the various issues which are before use for decision.

#### D. DEFINITION OF PREMISES WIRING

82. First, our concern is with wiring at the customer's premises which might negate network protection accorded by equipment registration if performed improperly. Wiring leading from the local telephone company central office to the interface(s) with the premises terminal equipment or communications system does not raise this concern. Similarly, wiring leading from the interface(s) to the terminal equipment or communications system does not raise this concern if it is in the nature of an equipment cord and is controlled through the registration process, i.e. is pre-attached to the equipment or system and is evaluated as a component of the registered equipment or system. Moreover, such wiring need not be pre-attached if it can be so attached by a user (or other untrained individual) during installation in a relatively fail-safe manner such as plugging it into a socket, so long as it has been evaluated and the fail-safe manner of attachment has been satisfactorily described in the registration application.<sup>26</sup>

<sup>26</sup>This latter technique of attachment of cords, by use of plugs and sockets, is currently in widespread use by the telephone companies and others for so-called "modularized" telephones. Their cords are attached to the telephones through a variant on the "modular" connectors of our rules, and may be replaced without danger of harm by untrained telephone consumers.

83. Second, wiring located within the housing of a registered unit of equipment does not raise a concern about potential negation of network protection because that wiring is controlled during equipment manufacture, and will be evaluated as part of the registration process.

84. And third, wiring which leaves the equipment's housing raises this concern unless it is demonstrably unlikely to be exposed to harm, or is electrically located behind protective apparatus which makes harm impossible.

85. These considerations lead to our definitions of premises wiring, which apply to wiring which connects separately-housed units of equipment to one another, and to wiring which connects such equipments to the network interface(s). In arriving at these definitions, we have unified our treatment of "extra-system" wiring and "intra-system" wiring as was suggested in our Supplemental Notice herein, as both forms of wiring raise the same concerns. Our choice of defining wiring in the nature of an equipment cord as no greater than 25 feet in length is discussed in the next section of this order. The new unified definition is:

*Premises wiring.* Wiring which connects separately-housed equipment entities or system components to one another, or wiring which connects an equipment entity or system component with the telephone network interface, located at the customer's premises and not within an equipment housing.

(1) *Fully-protected premises wiring.* Premises wiring which is either:

(i) No greater than 25 feet in length (measured linearly between the points where it leaves equipment or connector housings) and registered as a component of and supplied to the user with the registered terminal equipment or protective circuitry with which it is to be used. Such wiring shall either be pre-connected to the equipment or circuitry, or may be so connected by the user (or others) if it is demonstrated in the registration application that such connection by the untrained will not result in harm.

(ii) Electrically behind registered (or grandfathered) equipment, system components or protective circuitry which assure that electrical contact between the wiring and commercial power wiring or earth ground will not result in hazardous voltages or excessive longitudinal imbalance at the telephone network interface.

(2) *Protected premises wiring requiring acceptance.*

*Testing for imbalance.* Premises wiring which is electrically behind registered (or grandfathered) equipment, system components or circuitry which assure that electrical contact between the wiring and commercial power wiring will not result in hazardous vol-

tages at the telephone network interface.

(3) *Unprotected premises wiring.* All other premises wiring.

#### E. CONTROLS OVER PREMISES WIRING

86. We start with the proposition that "fully-protected" premises wiring, as defined above, by its nature will not negate the network protection otherwise accorded by our registration of equipments, components (as part of registered assemblies) and protective circuitry. Such wiring will either be electrically located behind apparatus which protects against the only forms of harm to which wiring is vulnerable (imbalance and excessive voltages) or it will be in the nature of an equipment cord which is registered with the equipment, component or protective circuitry. In either case, the registration program as it currently exists will adequately assure network protection.

87. The two other forms of premises wiring defined above in theory carry greater risks of violations of our technical standards occurring at the point of interface, if the wiring is performed or configured incorrectly. In assessing the reality of this theoretical problem, we must first analyze the environment in which premises wiring is likely to be installed.

88. By its nature, premises wiring longer than about 25 feet tends to be attached to or embedded in a building's finished surfaces for a variety of esthetic and safety reasons. Moreover, it tends to be uniquely assembled and configured at the site of each individual installation both to accommodate the specific lengths required at each premises, and to accommodate the specific equipments and options desired by the user. Operations associated with attaching the wiring to the building finish or embedding it within the building finish (e.g. "fishing" it through walls or ducts) bring the wiring into closer proximity to commercial power wiring (excessive voltages) and grounded surfaces (building structural members, gas and water pipes, electrical conduit, heating ducts and pipes, etc.) than would be the case if the wiring simply were to hang loosely in the portions of the building devoted to normal usage.<sup>27</sup>

89. In most instances, the existing requirements of the National Electric-

<sup>27</sup>The telephone companies have themselves long recognized this distinction. For many years they have (optionally) supplied terminal equipment with "long" cords (up to 25 feet) with no additional controls or protection because of the unlikelihood that users would bring them into electrical contact with hazardous voltages or earth ground. Wiring longer than this has generally been affixed to the building structure. In striking our definitional distinction between wiring up to 25 feet (a cord) and wiring longer than this, we are continuing this long-established practical distinction.

cal Code, local electrical and building codes, and insurance standards limit the theoretically possible contact of telephone and commercial power wiring because they specify adequate insulation of the power wiring (or that it be enclosed in ducts or pipes which provide physical insulation against inadvertent contact). The various parties in this proceeding have argued, however, that because enforcement of these standards has historically been non-uniform, a given structure in which telephone wiring may be installed may not conform to these standards. In view of this, they argue that additional protective measures must be adopted over the telephone wiring, independent of assumptions concerning the adequacy of existing insulation of the power wiring, to preclude inadvertent electrical contact between the two forms of wiring.

90. We must agree with this contention. Enforcement of the various electrical and building codes is approaching uniformity today for a variety of reasons,<sup>28</sup> but this has not uniformly been the case in the past. Existing structures and their commercial power wiring may or may not have been built and wired in conformity with current standards, and we cannot realistically assume that no potential problem exists. Thus, we must establish in our rules controls over telephone wiring which assume the worst case, that the power wiring is not necessarily so well insulated as to preclude electrical contact with telephone wiring.

91. Our acceptance of a basis for controls over the telephone wiring, however, does not imply that we must also accept A.T. & T.'s position that only its personnel (and those of the 1,500 Independent telephone companies) can adequately install premises wiring without additional "hardware" protection against these potential problems. Others are qualified to perform wiring.<sup>29</sup> Moreover, given the user's substantial interest in adequately operating communications equipment and service, which often goes far beyond the cost of the communications itself and affects the user's business, most of the theoretically possible problems will be found and immediately corrected if they occur. Electrical contact between telephone wiring and grounded surfaces, or ground-referenced commercial power wiring, will almost always cause recognizable sig-

<sup>28</sup>E.g., Occupational Safety and Health Administration requirements, increasing pressure from insurers seeking to minimize losses, increasing awareness by local authorities of the risks of non-enforcement, etc.

<sup>29</sup>It should be noted that the skills involved in safely placing telephone wiring are no different than those used by electricians who install and place commercial power wiring.

nals and distortion in the telephone communications paths, which the user will observe and have corrected. In addition, electrical contact with power wiring will often damage the user's own equipment, an effect which the user will also have corrected. Thus, the theoretically possible problems will tend to be self-correcting.

92. In addition to these factors, we cannot ignore the realities of the telephone equipment marketplace. The carriers' competitors are attempting to sell equipment in a marketplace which is dominated by the telephone companies, and the telephone companies' equipment has established a marketplace norm for quality and service which will have to be met by such competitors. Moreover, the economic incentives in this market are not toward achieving lower prices through inadequate design, but rather, toward minimizing failures which interfere with communications service. For these reasons, the reliability of PBX and key telephone systems, regardless of supplier, has been high in the past and will continue to be so.

93. In view of this, we are rejecting A.T. & T.'s position that the only way to assure the safety of premises wiring is to require that it be used behind hazardous voltage protection apparatus. We are retaining this form of premises wiring as an option in our rules ("protected premises wiring requiring acceptance testing for imbalance"), because use of this technique will make unnecessary many of the controls which we are adopting herein for "unprotected" premises wiring, and we wish to give equipment manufacturers and installers the flexibility of avoiding those controls which are unnecessary where "hardware" protection is used.

94. The controls which we are adopting for less than "fully-protected" premises wiring fall into the following categories: (1) workmanship and materials standards; (2) controls over installation personnel; (3) requirement of supervision by a responsible, trained person; (4) documentation standards; (5) acceptance test procedures to assure freedom from imbalance caused by contact of the wiring with ground; and (6) remedial measures where there is reason to believe that the installation does not conform to our requirements. Controls in all of these categories are applicable to "unprotected" premises wiring. Controls in the second, third and sixth categories above are limited when wiring is used behind apparatus which protects against contact of the telephone wiring with commercial power wiring. Finally, we are requiring that an equipment cord falling into the first definition of "fully-protected" premises wiring be used to connect registered equipments, components and

protective circuitry to the telephone network interface in all cases where the local telephone makes it feasible for such wiring to be used (that is, in all cases where the local telephone company is willing to install the interface within 25 feet).

95. Our workmanship and materials standards on insulation and physical protection of the wiring are based on our examination of the various comments filed in this proceeding, the submissions and discussions of the PBX Advisory Committee, and our analysis of analogous standards in building and electrical codes. Our maximum current specifications are based on Reference Data for Radio Engineers, 6th Edition (Howard W. Sams & Co., Inc., Copyright 1957) at page 48-14, and are a recognized standard in the electronics industry.

96. We are requiring that installation personnel in general perform their tasks under the responsible supervision of a trained supervisor. As was proposed by GTE herein, such a supervisor is defined as a person who has been trained by the equipment manufacturer (or an agent thereof) in the installation of the equipment to be installed, and who has had at least 6 months on-the-job experience in the installation of telephone wiring. This supervisor will be required to act as an installation agent of our registrant. Since our registrants are responsible for the continuing conformance of their equipments to the technical standards of our rules, and installations under the supervision of the supervisor could affect the continued compliance of such equipments with these technical standards if performed improperly, we would expect our registrants to carefully train such supervisors, and choose them with care.

97. The acceptance tests which we are adopting to ensure freedom from longitudinal imbalance were proposed by A.T. & T. GTE also proposed using acceptance testing for this purpose, but its proposal would have required on-site testing using complex (and specialized) test equipment to quantitatively evaluate balance. A.T. & T.'s proposal is qualitative, requires no special equipment, and is based on procedures used generally by the telephone companies for like purposes. Under this proposal, a standard telephone is used to exercise those network control signaling functions which are likely to be upset by excessive imbalance (e.g. transitions between off-hook and on-hook states, pulse dialing and ringing), and to monitor tip/ring communications paths for excessive hum which would be present if there were excessive imbalance. Inasmuch as these procedures will achieve the same result as the more complicated GTE proposal, without imposing the burden on each installer (or supervisor) of obtaining

and using special test equipment, we are adopting A.T. & T.'s proposed procedures.<sup>30</sup>

98. Our documentation requirements, which in general require submission of certain information to the local telephone company in advance of the installation, and maintenance at the customer's premises of certain information where it is accessible for inspection, are intended to serve several functions. First, they provide the telephone company an opportunity to participate in or monitor acceptance testing if it wishes to do so. Second, they serve as a basis for the imposition of certain extraordinary remedial measures, discussed in the next section of this order. And third, they serve as a basis for our imposing sanctions in the event that violations of our technical standards in fact occur. We are requiring that the documents be prepared by the responsible installation supervisor in the form of a notarized document, signed by the supervisor, both to emphasize the importance of the documents and to assure verification of the signature thereon.

99. Finally, we are adopting extraordinary remedial measures which may be required in the event that there is reason to believe that a particular installation is substandard. We would expect these circumstances to be very much the exception and not the rule. Nevertheless, we must provide procedures whereby telephone consumers may bring substandard installations into compliance with our rules, and which balance the telephone companies' interest in having conforming communications systems attached to their facilities against the burden of unnecessarily requiring "hardware" protection for all installations.

100. As was discussed, the installation supervisor is required to submit information about the installation to the local telephone company, in advance of the installation. Included in this information will be a description of the wire of cable to be used (e.g. its manufacturer and type, conformance to recognized national standards on

<sup>30</sup>We note that the hum which is tested for under A.T. & T.'s qualitative procedures may be caused in the central office or line facilities as well as by excessive imbalance in the premises terminal equipment. Normally where there is a question as to the source of such hum, fault isolation is accomplished using central office tests, or by terminating the line or trunk at the central office in a known "good" termination (balanced and quiet). In the event of a dispute as to the cause of any hum which shows up during acceptance testing, we would expect the local telephone company to cooperate with the installers in resolving such disputes. The currently-effective "maintenance of service" tariff regulations would appear to provide a sound basis for compensation for services which the carrier might render in resolving such disputes.

such wire, etc.), the affiliation of the installation personnel (e.g. whether they are the supervisor's employees, independent contractors, local electricians, etc.) the supervisor's qualifications and training, the national and local standards which will be conformed to in the installation, and a general description of the attachment of the wiring to the structure (e.g. run in conduit or ducts exclusively devoted to telephone wiring, surface attachment, "fished" through walls, located in ventilating ducts as permitted locally, etc.).

101. This information will permit the local telephone company craft personnel to make basic value judgment as to whether or not they will monitor or participate in acceptance testing, whether they will inspect the wiring during or after placement, or whether they will require that protective "hardware" be used with a particular installation. These remedial measures are for the exceptional, statistically insignificant cases where they may reasonably be required, and are not to be used routinely. The initial standard of reasonableness will be the information submitted to the local telephone company in the supervisor's affidavit, which will be evaluated against local practices, local enforcement of building and electrical codes, and the reputations of the supervisor and the installers.

102. We view these remedial measures as analogous to the carriers' present approach to tariffing maintenance services where there is divided responsibility for communications service because terminal equipment supplied by others is used with the carriers' lines to form through-transmission service. When a customer calls telephone repair service, and is using customer-provided equipment, the telephone company today tests those portions of the through-service which it provides (e.g. the lines and the central office equipment). If a telephone repair-person is dispatched to the customer's premises and it is found that the customer's equipment, and not the carrier's equipment, is at fault, a "maintenance of service charge" is imposed. If it is found that the carrier's equipment is at fault, no charge is imposed. An analogous approach is warranted for the remedial measures which we are allowing here, to assure that they are only applied in circumstances where it is reasonable to do so, and are not used arbitrarily. We would expect the carriers to appropriately charge for inspections, testing or protective apparatus whenever harm results, or it has monitored or participated in testing and there is a failure. We similarly would expect the carriers to use such remedial measures, and appropriately charge for them whenever it has inspected premises wiring and

has found that the wiring was not installed in accordance with the information furnished in the affidavit.

103. In sum, our general approach to premises wiring is to allow "unprotected" premises wiring and "protected wiring requiring acceptance testing" to be used, other than for an equipment cord, under controls which we are adopting over such wiring. A responsible, trained supervisor will be required both to supervise and control the actual installation personnel, and to submit information in the form of a notarized affidavit to the local telephone company. When the affidavit is received, the following will occur:

(1) On the basis of the information furnished in the affidavit, and of extrinsic factors involved locally, such as the adequacy of local enforcement of controlling building and electrical codes as well as the reputations of the supervisor and the installation personnel, the telephone company will decide whether or not to participate in or monitor acceptance testing, or to apply the extraordinary measures we are authorizing, prior to connecting telephone service to the interface(s).

(2) The extraordinary measures include inspection of the wiring during placement or subsequently, and requiring the use of protective apparatus. In each case where harm results, a failure of acceptance testing occurs, or it is found through inspection that information furnished in the submitted affidavit was incorrect, we would expect the carrier to appropriately levy a charge on the customer, as it currently does for "maintenance of service" charges.

#### F. DISCUSSION OF NEW RULES AND SPECIFIC CONTROLS ADOPTED

104. In this section, we discuss the specific new rules and procedures which we are adopting. We will first discuss the comprehensive controls which we are adopting for "unprotected" premises wiring, and then we will address the limitations of these comprehensive controls which we will permit when wiring is located behind apparatus which provides "hardware" protection against excessive voltages which might result from crosses with commercial power wiring.

105. Premises wiring other than "fully protected" wiring has the potential (if improperly performed) of negating the network protection otherwise accorded by equipment registration. As such it is a "change" within the scope of section 68.214(a) of our rules, and would require an application and FCC authorization for each individual installation (since the "change" involved would be unique for each installation). We are adding a new subsection (e) to section 68-214 which excepts from this general requirement the use of wiring that con-

forms to the controls which we are establishing in a new section 68.215, in view of our conclusion herein that wiring which conforms to these new controls in fact will not negate the network protection accorded by the equipment's design.

106. The new section 68.215 contains eight subsections: (a) Limitations on when the various defined categories of "premises wiring" may be used; (b) requirements for installation personnel; (c) requirements for installation supervisors; (d) workmanship and materials standards; (e) documentation requirements; (f) acceptance testing procedures; (g) extraordinary remedial measures which may be imposed; and (h) special requirements which relax the foregoing where wiring is used with partially protective apparatus. To assure maximum clarity, we will briefly describe the purpose of each of these subsections.

107. *When Unprotected Premises Wiring May Be Used.* Unprotected premises wiring may be used between separately housed equipments whenever there is dc continuity between the wiring and the telephone network interface; it may not be used where there is a transformer interposed between the wiring and the telephone network interface. The purpose of this limitation is threefold. First, it will permit the extraordinary measure of allowing a carrier to require the use of hazardous-voltage protection circuitry (when warranted) to operate. The only designs of such circuitry which have been advanced in this proceeding (e.g. AT&T's and CCL's) require dc continuity for their operation. Second, it allows the acceptance tests which are predicated on network control signaling to be effective; these tests would not test the wiring itself if it were located behind a transformer. And third, it strikes a reasonable balance between those systems where inherent "hardware" protection is economical (e.g. PBX's, which generally use transformer coupling which provides inherent protection) and those systems where such "hardware" protection is not economical (e.g. key telephone systems, which have dc continuity). In essence, by this limitation we are requiring that if transformer coupling is used in the equipment design, such transformers should have adequate balance and a high enough voltage breakdown rating to place the wiring under the "fully protected" definition.

108. The subsection then goes on to allow for "unprotected" premises wiring in each case where the carrier is unwilling or unable to make our definition of an equipment cord operative as the means of connecting equipment to the interface. That is, "unprotected" wiring can be used between the equipment or system and the network interface whenever the local tele-

phone company does not install the interface within 25 feet of the equipment or system. This is consistent with those comments which identified rare situations in which the equipment and interface, as a practical matter, cannot be installed in close proximity. We would expect such situations to be very much the exception and not the general rule, based on these comments.

109. *Who May Install.* We are requiring that operations associated with installation, connection, and reconfiguration of wiring, other than "fully protected" wiring, may only be done by persons under the responsible supervision and control of a supervisor who has the qualifications and authority defined in the next subsection.

110. *Who Must Supervise Installations.* We are requiring that all installations of "unprotected" premises wiring must be performed under responsible supervision and control. We will discuss our variation of this requirement, where protection is used against excessive voltages, below. The supervisor is required to have 6 months of on-the-job experience in the installation of telephone terminal equipment, and is required to have received training from the equipment registrant in the performance of any actions which might negate that equipment's network protection. In addition, the supervisor is required to have received specific authority from the equipment registrant, in writing, to act as that registrant's agent in assuring that the equipment will not be rendered harmful by installation actions under the supervisor's supervision and control.

111. *How Shall Premises Wiring Be Installed.* This technical section articulates our material and workmanship standards for premises wiring. They are not specifically applicable to "fully protected" premises wiring, but even in such instances we would expect them to be adhered to as a matter of practice. We have carefully examined this field, and in our view we are not establishing any requirements which differ from current practice in the installation of telephone wiring, thus we are imposing no burdens by articulating these rules. In general, we are requiring that premises wiring be adequately insulated, by means of an insulating outer jacket, and that this insulation not be removed or abraded except at intentional splicing points, which are themselves adequately insulated and accessible for inspection. This requirement assures that in the event of a physical contact between the telephone wiring and power wiring or grounded surfaces, no electrical contact will thereby result. Moreover, we are requiring adherence to article 800 (and any other articles incorporated thereby) of

the 1978 version of the National Electrical Code, as well as any more restrictive local electrical and building codes which are applied to telephone companies in the jurisdiction of the installation, to establish minimum standards on separation of telephone and power wiring, and placement of telephone wiring in ventilating ducts. We would note that in many jurisdictions these code requirements are already applicable to telephone wiring (which is today largely performed by the telephone companies) and that our rules are introducing no new requirements.<sup>31</sup> In addition, we are limiting the magnitudes of electrical signals which may be run on "unprotected" wiring and partially-protected wiring to assure that these signals do not, over time, degrade the insulating qualities of the wiring. In a similar vein, we are requiring minimum physical protection of the wiring from environmental factors which might degrade it over time (e.g. weather effects).

112. *Documentation.* Our documentation requirements are intended to serve as a basis for the imposition of extraordinary remedies (see below), and to permit the local telephone company to make a reasonable judgment as to when such remedies may be required, under the fundamental *Carterfone* and *Hush-a-Phone* standard that such remedies shall not indiscriminately be required when unnecessary. These documentation requirements are in addition to the present notice requirements of section 68.106, and we are accordingly modifying that section to reference them. The responsible supervisor is required to prepare an original affidavit to be sent to the local telephone company at least ten calendar days in advance of the installation of premises wiring (other than "fully protected" wiring), unless by mutual agreement of the telephone company and the supervisor this time period is shortened, and a duplicate of this affidavit to be maintained permanently at the customer's premises where it is available for inspection. The original affidavit is required to be notarized.

113. The affidavit will contain the following information: (1) The supervisor's qualifications; (2) a statement of the supervisor's agency authority from our registrant; (3) the date(s) when wiring installation will take place; (4) the affiliation of the installation personnel; (5) national and local codes which will be conformed to; (6) the manufacturer(s) and a brief description of the wire(s) which will be used (e.g. model number or type, where appropriate); (7) conformance of the

<sup>31</sup>Code enforcers, usually inspectors, have often relied on the telephone companies to enforce these codes through internal procedures.

wire to recognized uniform standards on such wire, if any (e.g. approval by Underwriter's Laboratories, REA listing, "KS-" specification, etc.); and (8) the date(s) when acceptance testing for imbalance will take place. It is our hope that the industry will cooperate in the development of procedures to minimize paperwork in implementing these requirements, including procedures whereby some or all of this information may be filed comprehensively only one time, and merely referenced in the future unless there are changes. Similarly, it is not our intention that the ten day notice requirement become absolute where not warranted locally. We would expect that reasonable local procedures will be developed to supplant this fixed time period.

114. We are not requiring the telephone companies to maintain this information in their files; a permanent record will be maintained at the customer's premises through the requirement of preparing a duplicate. This information is required to be presented to the local telephone company to allow it to make two decisions, on the basis of the affidavit. First, it will be able to decide whether or not it wishes to monitor or participate in acceptance testing for imbalance. And second, it will be able to decide whether the extraordinary procedures which we are authorizing for particular installations will be warranted in a given case.

115. *Acceptance Testing.* Most fundamentally, we are requiring that acceptance testing be performed for each wiring path which can affect longitudinal balance at a network interface. This would include "unprotected" premises wiring, and partially protected premises wiring, as in both such cases there will be no hardware protection against possible imbalance. As was previously discussed, we are adopting AT&T's proposed qualitative approach which requires no special test equipment and can be performed using a basic telephone instrument. The rule itself is divided into tests which are performed on facilities which originate calls through dialing (formal telephone lines, and outgoing-only lines or loops) and tests which are performed on lines or loops which only can receive calls.

116. On failure of such acceptance tests, the failing equipment or portion of the system is required to be disconnected from the telephone network interface and may not be reconnected until the cause of the failure is removed. After this, previously tested lines or loops are required to be retested to assure that the failure is corrected, and to assure that no new problems were created during correction of the failure.

117. The local telephone company will have notice of these tests because

of the affidavit requirement discussed in the previous section. We are not requiring that the telephone company act on such notice, nor would we expect it to do so where it is familiar with the supervisor involved and the quality of work under that person's supervision. However, we are allowing the telephone company, if it so desires, to either monitor such tests from its central office test desk or otherwise) or to participate in such testing. We would expect that such activity would be treated in a manner analogous to the present tariff requirements on "maintenance of service" testing: if a failure of testing results, we would think it appropriate for the customer to be charged for such testing; if a failure does not result, it would be discriminatory for the telephone company to impose a special charge for monitoring or participating in such installation testing, as it does so for its own installations without a special charge.

118. *Extraordinary Measures.* Finally, we are allowing the telephone companies to require certain extraordinary measures in cases where it is reasonable to conclude that they are warranted. These measures include requiring additional acceptance testing, inspection of the installation, and requiring the use of protective apparatus (either carrier-provided or customer-provided). In allowing these extraordinary measures to be imposed, we recognize that the telephone companies will be placed in the position of potentially discriminating against their competitors' installations vis-a-vis their own (it is unlikely that a telephone company would ever require such protective apparatus, for example, to be used with its own equipment).

119. We wish to make it absolutely clear that in allowing these procedures to be used, we are not giving the carriers license to require them arbitrarily for all installations by others. We are accepting the proposition contained in the many comments in this proceeding that the majority of installations of telephone wiring will be performed competently, and it is our intention to, at least in the initial stages, carefully monitor this field to assure that they are not used anti-competitively. In view of this danger, we are requiring the following: (1) The extraordinary measures may only be used either on the basis of questions raised by the affidavit, because of failure of acceptance testing, or because actual harm has occurred; (2) whenever an extraordinary measure is required, the supervisor and subscriber be notified of the right to bring a complaint to the FCC concerning this requirement; and (3) if testing or inspection is performed by the telephone company, that no charge be levied on the customer unless there is a violation of the FCC's rules.

120. The first of these requirements is directed to assuring that there be some objective basis for the imposition of extraordinary measures herein, and not merely a reflex by the telephone company against other installers. We would note, in passing, that under section 68.108 of our rules, the telephone companies have had the right to suspend service to customers using equipment which causes harm—an extraordinary remedy fraught with the same dangers identified herein. We have received no information which indicates that the rights granted under section 68.108 have been abused in the past, and we would expect that the analogous rights which we are granting herein will similarly be treated reasonably.

121. The second of these requirements is patterned after section 68.108, and is intended to assure that the telephone companies act subject to review through regulation. So long as the subscriber is on notice that a telephone company decision in this area is subject to regulatory review, it is our belief that arbitrary and capricious action by our regulatees will be foreclosed.

122. And finally, the third of these requirements is patterned after the carrier's present tariffed approach to other testing and maintenance activities in this field of divided responsibility for telephone service. The "maintenance of service charge" tariff provisions authorize the carriers to levy a charge only where their facilities or services are found non-deficient, when a customer using equipment obtained from others asks for repair service and a premises visit results. Testing and inspection such as would be involved in the extraordinary measures authorized herein is normally provided by the telephone companies without charge if the customer is using their equipment. To impose such charges on customers using equipment provided by others is inherently discriminatory; we will not sanction such discrimination unless there is a reasonable basis therefor. We are concluding here that such discrimination is unwarranted unless there is an objective reason to believe that the customer's premises wiring is, or is likely to become, harmful. Moreover, in treating this area as analogous to the present tariffs regarding "maintenance of service" charges, we are additionally constraining potential anti-competitive or arbitrary action by the carriers. In those cases where the carrier engages in testing or inspection without an objective basis, the carrier will run the risk of doing so unproductively.

123. *Protected Premises Wiring Requiring Acceptance Testing for Imbalance.* The last subsection of our new section 68.215 relates to those procedures which we are adopting for

wiring located behind apparatus which provides "hardware" protection against excessive voltages (contact with commercial power wiring), but not against imbalance. We are constructing this section by waiving certain of the requirements of the proceeding sections (relating primarily to "unprotected" wiring) because such "hardware" protection will make those requirements unnecessary. Our adoption of procedures for this class of wiring is predicated primarily on comments by A.T. & T.'s and CCL which demonstrate the feasibility of using hardware elements which do not interfere with a tip/ring telephone channel under normal operation, but which divert excessive voltages away from the telephone network in the event of an inadvertent electrical contact between the telephone wiring and power wiring.

124. As was discussed earlier, we would expect manufacturers to opt for this wiring technique (or "fully-protected" wiring) in lieu of "unprotected" wiring in all cases where it is economic to do so. Use of this technique avoids many of the controls of section 68.215 (see below), and more basically assures freedom from possible disputes between the installers and the local telephone company.<sup>33</sup>

125. Our approach to this form of wiring is to require that the workmanship and material standards in section 68.215(d) be followed, but to limit the requirements for supervision thereof. Moreover, we are limiting the extraordinary remedies which the telephone company may apply to such wiring. A supervisor will be required to supervise and control the installation personnel, and will be required to have had at least 6 months on-the-job experience in the installation of premises telephone terminal equipment, but the supervisor need not be an installation agent of the manufacturer. In the simplest case, the supervisor and installer may be the same person. Documentation and acceptance testing procedures remain the same as in the "unprotected" wiring case.

126. Since there will be hardware protection against excessive voltages which might result from contact of telephone wiring with power wiring, the telephone company will not have the extra-ordinary right of requiring the use of additional hardware protection. Moreover, the telephone compa-

<sup>33</sup>As was identified in the previous section, our allowance of extraordinary remedies carries the inherent danger of arbitrary action by the carriers. While we are adopting safeguards against potential abuse of these procedures, manufacturers might wish to avoid even the possibility of abuse. At a bare minimum, use of the wiring technique of this section will minimize contention between the installers and the telephone company.

ny's right to inspect wiring will be limited to inspection of exposed wiring and exposed splicing points unless there is a failure of acceptance testing or actual harm. The carrier will not have the right of requiring that any wiring be withdrawn from non-exposed locations (e.g. conduit, ducts or wall spaces), nor will it have the right of having splicing point covers removed for inspection, as it would have if "unprotected premises wiring" were to be used. The foregoing is largely predicated upon AT&T's comments herein.<sup>33</sup> We are maintaining the workmanship and material standards applicable to this class of wiring to provide additional protection over the structural combination of "hardware" protection for excessive voltages and acceptance testing for imbalance, as to do so is not burdensome, comports with current industry practice, and establishes one set of requirements in our rules for such wiring. We are limiting the extra-ordinary measures which may be required to properly recognize the "hardware" protection which will be present in these installations.

#### IV. ADOPTION OF STANDARD MEANS FOR THE CONNECTION OF MULTILINE PBX AND KEY TELEPHONE SYSTEMS TO THE TELEPHONE NETWORK

127. In their comments, the telephone companies urge that we continue our current approach to the connection of telephone equipment to the network. That is, they urge that multiline communications systems be connected using FCC-specified plugs and jacks (or more broadly, connectors) which may be readily disconnected by the untrained and which are relatively fail-safe in their operation. This represents the approach which is currently in our rules for the connection of discrete items of equipment and circuitry to the telephone network.

128. Other parties, most notably Bunker-Ramo, suggest that the premises which underlie our present approach should continue in the multiline system environment,<sup>34</sup> but that

<sup>33</sup>AT&T advanced this approach as the only variation from "fully-protected" wiring which it felt was adequate. We have rejected this limitation as too restrictive. Nevertheless, AT&T's comments advancing a structural approach in our rules remain pertinent, and we are therefore basing our rules concerning this class of wiring on these comments.

<sup>34</sup>These premises are best expressed by Section 68.104(a) of our rules: "Except for telephone company-provided ringers, all connections to the telephone network shall be made through standard plugs and standard telephone company-provided jacks in such a manner as to allow for easy and immediate disconnection of the terminal equipment. Standard jacks shall be so arranged that, if the plug connected thereto is withdrawn, no interference to the operation of equipment at the customer's premises

flexibility should be allowed in the choice of particular plug/jack techniques to be adopted. For example, Bunker-Ramo urges that we not preclude the use of certain cross-connect devices which it manufactures. These devices basically contain a multiplicity of simple sockets into which jumper wire assemblies may be plugged. In Bunker-Ramo's view, plugging in such jumper assemblies is functionally tantamount to plugging a standard plug into a standard jack, and it urges that we accept such a device as consistent with the existing framework for the connection of equipment and circuitry to the telephone network.

129. Still other parties, mainly the non-carrier suppliers of PBX and key telephone systems, take the position that current telephone industry standard means of connecting multi-pair station wiring should also be used as the interface to the telephone network. These means, which are used for a variety of purposes by telephone companies and by others, include pre-assembled cable and connector combinations, field-installable connectors similar to the "ribbon" connectors already specified in our rules, and so-called "punch-down" terminal strips— assemblies of metallic tines into which individual wires are forced to achieve electrical connections. (The tines penetrate the individual wires' insulation to make the electrical connection with the minimum possible removal of wire insulation for this purpose.)

130. In analyzing these different approaches, we will first examine the purely-connectorized approach advanced by the telephone companies, which indeed is consistent with the current approach of our rules. In its simplest form, the interface would consist of a multi-line plug and corresponding multi-line jack. The problem with using this approach of interfacing multiple lines on common connectors is two-fold, however. Once the wiring positions are assigned to particular telephone lines, rearrangement is not possible without rewiring one or more connectors, or the circuits connected to them. Moreover, if disconnection of one line is required for maintenance, other lines with are also connected through the common connector are affected when the connector is unplugged.

131. For these reasons, we proposed in our Supplemental Notice that cross-connect adapters be permitted to be interposed between any such multiline connectors used for the telephone network interface and the terminal equipment (or communications system). In the alternative, we proposed that multiple arrangements of

which remains connected to the telephone network, shall occur by reason of such withdrawal."

the single-line connectors already in our rules ("modular" plugs and jacks) be used to individually interface each of the multiple lines normally involved in connecting PBX and key telephone systems to the telephone network. With such individual connectors, single-line disconnection for maintenance is possible, and lines can be rearranged by interchanging the single-line plugs. However, this approach is somewhat less efficient in terms of space utilization than multiple-line connectors, and moreover, may require new cable fabrication techniques to be developed in the future for the approach to be used with multiple-line common cables.<sup>35</sup> The telephone companies and others supported these variations on the general theme of fully connectorized interfaces.

132. Alternative approaches were also advanced in the comments which followed two different courses. The first course would have us abandon our policy of requiring a connectorized interface to the telephone network, and would specify the use of a "punch-down" terminal strip as the interface means. The second course would actually follow the fully-connectorized approach described earlier, but would allow for field installation of the connectors on the "extra-system" wiring (and presumably would allow field modification thereof to accommodate rearrangements).

133. We are rejecting both of these alternatives, with one exception discussed below. The first of these alternatives would have the effect of blurring the respective responsibilities of the carriers for their telephone network facilities, and the suppliers of the premises terminal equipment for that equipment's operation, where their respective apparatus and facilities must work together to provide telephone service. With the clearly-defined interface currently provided in our rules through the use of pluggable connectors, the adequacy of these respective equipments and facilities can be separately tested and verified if a problem occurs; without such a distinct interface, such fault isolation becomes difficult, if not impossible. Moreover, unlike pluggable connectors which basically are designed for phys-

<sup>35</sup>The multi-pair cables generally in use for PBX and key telephone systems are manufactured with pairs in multiples of 25, e.g. 25-pair, 50-pair, etc. An efficient way of using the multiple "modular" approach would be to have such cables terminated in "modular" plugs. However, the information available to us indicates that present practice is to mold individual "modular" plugs with individual cables (up to 4-pair) and their insulating jackets. It would appear, therefore, that the existing fabrication process would have to be varied in the future. See United States Patents Nos. 3,699,498; 3,761,869; 3,835,445; 3,860,316; A-504,081; A-620,629; and A-620,630.

ical insertion and withdrawal without damage, the "punch-down" terminal strips are subject to physical damage and degradation during insertion of the wires into their lines. The terminal strips themselves are single units which can only be supplied by one supplier, and the nature of their use as an interface dictates that one supplier will of necessity be performing physical installation of wiring on the other supplier's equipment. In the event of any physical damage or degradation to the terminal strip in this environment, a host of problems will arise as to liability for such damage. We therefore must reject the use of such a terminal strip as a means of interface, because of the problems it will create.

134. In addition, our policy decision in this order limiting "extra-system" wiring to wiring in the nature of an equipment cord fitting the definition of "fully-protected" premises wiring, weighs against use both of the terminal strip, and of field-installable connectors. With reference to our new section 68.215(a)(2), we have decided that in the vast majority of installations were the local telephone company is able to physically locate the interface within 25 feet of the terminal equipment or protective circuitry, our registration process will directly control this wiring. We have created incentives toward the use of "hardware" protection where it is economically feasible to achieve network protection in this manner, and we do not wish to make that protection ineffective by indiscriminantly allowing for the use of techniques on the unprotected side of any such hardware which can negate the protection accorded by the hardware.

135. Thus, we must reject use both of the terminal strip and of field-installable connectors on this ground. Operations associated with performing wiring on the terminal strip, and installing the connectors, require some degree of skill both in selecting the locations of individual wires and in achieving the connections thereof. Thus, for the vast majority of installations, we are adopting the fully connectorized approaches discussed above, including the use of cross-connect adapters to achieve flexibility.

136. In the more limited cases addressed in section 68.215 (a)(2) and (a)(3), "extra-system" wiring is not limited to the "fully protected" category. In these cases use of field-installable connectors would be appropriate, and we will allow for their use. But even in these limited cases, we will not permit the "punch-down" terminal strips to be used as the interface means because of the problems of blurred responsibility which were discussed previously. We are therefore modifying Subpart F of Part 68 of our

rules in accordance with the foregoing.<sup>36</sup>

137. One final point should be made about connection of PBX and key telephone systems to the telephone network. In the past, when we adopted standard plugs and jacks as interface means for the connection of equipments with the telephone network, we proceeded on the theory that both the mechanical and electrical configurations of the jacks to be provided by the telephone companies should be specified in our rules. In essence, our rules defined the telephone companies' total interface offering, and could be used by equipment manufacturers as a basis for setting their electrical connections in the equipments' plugs. However, an undesirable effect of this approach has been to simultaneously limit the telephone companies and equipment manufacturers from using alternative electrical connections on the connectors when they desired to do so.

138. We have no wish to limit such flexibility at the time of installation, nor do we wish to cut off manufacturers' ability to rely on the configurations of our rules as a basis for design. Accordingly, we are adding language to the specified electrical configurations for the interfaces which will be used for PBX and key telephone systems stating "unless otherwise mutually agreed by the telephone company and the installation supervisor." This will permit some leeway during installation if it is necessary, but will retain the ability of manufacturers to rely on certain specified electrical configurations as a basis for design.

#### V. GRANDFATHERING OF PBX AND KEY TELEPHONE SYSTEMS

139. It is for "grandfathered" equipment that the dichotomy between institutional and hardware safeguards becomes most important in the view of the parties commenting herein. Most of these comments assume that any requirements which we might adopt for new equipment will (eventually) be accommodated during manufacture. However, to retrofit new hardware to existing equipment could well prove expensive and burdensome.

140. Our adoption of grandfathering was fundamentally premised upon giving proper recognition to the equipment designs which were in use on the telephone network without harm. This approach was perfectly valid where the equipment would not reasonably be rendered harmful by action subsequent to its manufacture. However, existing installations of the bulk of customer-provided PBX and key telephone systems have been performed and wired behind the carriers' "connecting arrangements," or more re-

<sup>36</sup>See appendix B.

cently, equivalents thereto provided by customers. If these devices were removed and not replaced with similar devices, there would be no assurance, by course-of-conduct or otherwise, that the existing premises wiring (which could affect the harmfulness or benignity of the entire system) was properly installed. Such wiring would then become, in the absence of some form of protective apparatus, truly not protected. The exception to this analysis is where the system equipment itself (fortuitously) already contained inherent protection against wiring aberrations, usually through use of transformer coupling; in such cases the "connecting arrangements" were redundant with existing "hardware" protection.

141. It is not our desire to require unnecessary "hardware" protection, particularly where it would be expensive to retrofit such hardware to existing equipments. Nor is it our desire to expose the telephone network to a risk of harm. As we noted, grandfathering is premised upon a presumption that there will be no harm to the telephone network. Since the equipment alone does not determine harm in the case of PBX and key telephone communications systems, but rather harm is determined both by the equipment and the premises wiring, we cannot allow for rights of connection to the telephone network which are predicated on the equipment alone. We can only allow for grandfathering of entire systems including their wiring. If the system including its wiring was directly connected to the telephone network, the system is grandfathered. If the system and its wiring was connected to the telephone network using "connecting arrangements" (or their equivalent), the combination of equipment, wiring, and "connecting arrangements" is grandfathered. These basic ground rules are directed to existing equipment installations.

142. During a transition period, we will allow for use of presumed-acceptable equipments without FCC registration, in a manner generally in accord with our previous approach to grandfathering. That is, equipments of the same design as equipments which were directly connected to the telephone network as of October 17, 1977, will be presumed to be of acceptable design. However, any premises wiring which is installed for use with this equipment during the transition period will be required to conform with sections 68.214 and 68.215. The controls of these rules will then operate to assure that premises wiring does not negate the acceptable design of these equipments and systems.

143. Finally, we will allow conversion of existing installations into controlled ones during the transition period, but only as described herein.

144. First, any system which is connected to the telephone network through "connecting arrangements" may have such devices replaced by registered or grandfathered protective apparatus which assures compliance with our hazardous voltage and longitudinal balance requirements. This will preserve the protective functions of the "connecting arrangements" with regard to potential wiring aberrations, while it will remove the previous requirement that such devices may only be furnished by the carriers. Any premises wiring associated with such replacement must conform to sections 68.214 and 68.215.

145. Second, the person who originally supervised the installation of existing premises wiring may execute an affidavit under section 68.215(e). If that affidavit demonstrates that the existing wiring was in fact performed in accordance with section 68.215, existing hardware protection may be removed. In any case where removal of such hardware protection renders the system incompatible with the telephone network, and new apparatus is required to restore compatibility,<sup>37</sup> the installation of such apparatus shall be defined and treated as an "operation associated with installation of premises wiring" under sections 68.214 and 68.215. As such, it may only be installed under the supervision requirements and other controls of these rules.

146. The local telephone companies may use the inspection and testing remedies authorized under section 68.215(g), and where reasonable may require the use (or retention) of hardware protection as is also authorized under that section. Since existing premises wiring was installed outside the new controls which we are establishing under sections 68.214 and 68.215, we would anticipate that these "extraordinary" remedies might be warranted to a greater degree than will be the case in the future. Notwithstanding this, we will expect the telephone companies to use these remedies only when it is reasonable to do so.

147. For clarity, we have summarized our approach to grandfathering of PBX and key telephone systems in appendix A to this order.

#### VI. SIGNAL POWER LIMITING IN PBX AND KEY TELEPHONE SYSTEMS

148. Another issue which warrants clarification herein is the treatment of

<sup>37</sup>Many of the existing "connecting arrangements" perform an interfacing function in addition to a protective function. They take a two-wire tip/ring telephone channel and break it into multiple-wire interfaces. Equipments designed for compatibility with these multiple-wire interfaces are often incompatible with the basic two-wire network interface itself.

signal power limiting under our rules in the environment of assembled communications systems such as PBX and key telephone systems. It is pertinent for this purpose to first review the telephone companies' treatment of signal power limiting in the post-Carterfone era of connection of customer-provided systems through their "connecting arrangements."

149. The "connecting arrangements" varied in their designs, but they generally limited voice-band metallic signal power to 0 dBm at the customer's premises for voice-type analog signals, and to a (lower) level at the premises which would produce -12 dBm at the central office for data signals. This different treatment of voice and data signals was based both on their different time and frequency statistical energy content, and on the telephone companies' belief that while customers might have some incentive to use excessive signal power for data, they would have no such incentive in the case of voice signals. Other voice "connecting arrangements" designs limited signal power to levels a bit higher than 0 dBm, while still others limited signal power at the customer's premises to -9 dBm, a level which in a majority of urban central offices would produce signal power levels at the central office no greater than -12 dBm.

150. The telephone companies then overlaid this "hardware" protection with an institutional control through their tariffs. They prohibited in their tariffs the use of equipment at the customer's premises which generated signal power levels producing signals at the central office greater than -12 dBm. This tariff constraint would have justified discontinuance of service to a violator, even in the case of signal power levels at the customer's premises which would not invoke the "hardware" protection provided by the "connecting arrangements." The tariff information was widely distributed to equipment manufacturers and this combination of an institutional safeguard (tariff regulations) and limited hardware protection adequately protected the telephone network.<sup>38</sup>

151. Our rules were intended to adopt the same approach as these "protective devices. They rigidly control data signal power levels (which have a higher probability of causing interference and where there may be some incentive towards violation) and less rigidly control voice signal power levels. Where registered equipment contains a through-transmission path for signal power generated by other

<sup>38</sup>A similar approach was used for out-of-band signal power. In this case the "connecting arrangements" provided no hardware protection; the only safeguard was the institutional one provided by the tariffs and the distribution of information to equipment manufacturers.

equipments, that path is required to have no gain (so as not to increase signal power generated elsewhere) and to be linear (so as not to generate out-of-band products through distortion), but it is not required to limit transmitting signal power levels. On the other hand, if the equipment itself generates signal power, we concluded that it is not burdensome to require that the generated power be constrained and we therefore adopted specific signal power limitations for power-generating signal sources, other than telephone microphones. In recognition that statistical and human factors processes limit signal power from telephone instruments used for live-voice applications, and that the telephone network itself was designed to accommodate the statistical distribution of live-voice signal power, we have specifically adopted no power limitations on the in-band power generated by telephone microphones (electro-acoustic transducers). We have, however, required that such microphones be sufficiently linear so as not to generate out-of-band products.

152. Since we are adopting rules herein which will allow for registration of partially-protective apparatus, and of assemblies of components which as a whole form complex communications systems such as PBX and key telephone systems, it is important to assure that there is no ambiguity regarding our treatment of signal power. PBX and key telephone systems are largely, if not almost exclusively, used for live-voice applications, and we would not wish manufacturers to interpret our requirements in a manner which causes them to unnecessarily limit signal power.

153. First, in-band signal power is not required to be limited if it emanates from a telephone instrument whose transmitter current is determined by the central office's dc current supply to the network interface. This will normally be the case where there is dc continuity between the interface and the system's telephone instruments (e.g. in key telephone systems).

154. Second, in-band signal power is not required to be controlled by specific power-limiting components if it is generated by a telephone instrument whose transmitter current is supplied by the system, and not the central office, so long as that current is in the range of currents specified by our loop simulator definition. This assures that locally-generated transmitter current will approximate that which otherwise would be supplied by the central office, to permit the normal statistical controls over live-voice signal power to operate.

155. Third, equipment which itself does not generate signal power, but which contains a through-transmission

sion path for power generated elsewhere, is required not to have net gain. This assures that otherwise harmless power levels generated elsewhere are not increased to levels which could result in interference.

156. And fourth, in any other case of connection of single units of equipment, or assemblies of equipments, to the telephone network, there must be specific limitation of signal power levels (either at its point of generation, or in a through-transmission path). Thus, if the common equipment of a PBX or key telephone system does not limit voice-band metallic signal power, as would normally be the case of these live-voice systems used with telephone instruments, the following would be required.

(a) Telephone instruments whose transmitter current is determined by the central office, or generated locally so as to approximate central office current, need not be specially registered for use with a PBX or key telephone system if they already are registered or grandfathered for direct connection to the interface. However, if these constraints are not met, the telephone instruments will have to be registered together with the common equipment to form an assembly which demonstrably complies with section 68.308(a) of our rules.

(b) Non-live voice components behind the common equipment would themselves have to be registered or grandfathered as complying with the -9 dBm limitation of section 68.308(a). This would include telephone answering equipment and data equipment used in the permissive "voice" mode.

These clarifications impose no new requirements, and are intended to resolve any ambiguity which may obtain in applying the complex procedures of section 68.308(a) to PBX and key telephone systems.<sup>39</sup>

#### VII. ENVIRONMENTAL TESTING OF "LARGE" PBX AND KEY TELEPHONE EQUIPMENTS

157. In petitions for reconsideration of our Second Report and Order, sev-

<sup>39</sup>It should be noted that these rules assure adequate network protection from live-voice signal sources under present microphone technology. So long as telephone handsets are generally designed to be compatible with the existing telephone network's statistical parameters, no additional signal power controls are required over these signal sources. Even if microphone (or more generally, transducer) technology changes, we would anticipate that any such changes would be phased in gradually because of the stability of the network's characteristics, and a requirement for transitional measures during which the network itself might be changed; such was the case during the 1950's when newer microphone designs were gradually phased in.

eral parties (primarily GTE and NATA) had asked that the mechanical environmental conditioning requirements of our rules (section 68.302) be relaxed as applied to physically large items of equipment. These parties had argued that the shock, vibration, and temperature and humidity cycling requirements would require expensive testing apparatus and test chambers to accommodate physically large equipments, and that therefore the rule was burdensome.

158. In the Supplemental Notice herein, we took the opportunity provided by the additional proceedings in Docket No. 19528 to request comment on these arguments. In essence, the parties who previously had argued that the present requirements of section 68.302 would be burdensome if applied to "large" units of equipment now have retreated from this position. For example, GTE has now noted that in many cases whole units of equipment will not have to be stressed, and rather, that discrete units of protective circuitry will be stressed under the existing rule. GTE also has noted that in the less frequent cases where whole units of equipment will have to be stressed, it has facilities available to it to meet the present requirements of section 68.302.

159. AT&T comments that the present requirements of section 68.302 are representative of stresses which will be encountered by equipments during shipment and installation, and it argues that to waive or relax these requirements would remove an objective criterion of the likely continuing compliance of such equipment with part 68's technical requirements over time and usage.

160. In view of the foregoing, we are declining to modify the requirements of section 68.302. They are obviously adapted to "large" equipments as well as small (e.g. section 68.302(c) specifies shocks for equipments over 1,000 pounds, hardly small equipment), and provide objective assurance that registered equipments will conform over time with our rules.

161. Accordingly, *It is hereby ordered*, That, pursuant to 47 U.S.C. 151, 154(i), 154(j), 201-05, 215, 218, 220, 313, 403, and 412, and 5 U.S.C. 553, part 68 of the Commission's rules and regulations, 47 CFR 68.1 et seq., is hereby amended as shown in appendix B hereto, effective June 1, 1978.

162. *It is further ordered*, That, pursuant to 47 U.S.C. 151, 154(i), 154(j), and 201-05, the telephone companies shall conform their interstate telephone tariffs for Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS) to the requirements and procedures established by the rule amendments in appendix B hereto.

163. *It is further ordered*, That, pursuant to 47 U.S.C. 215, 218, and 220,

and to authority delegated herein and under our rules, the Chief of the Common Carrier Bureau shall release an appropriate order directed to obtaining information to establish a list of grandfathered PBX and key telephone equipment, to be used in accordance with the grandfathering procedures established herein.

164. *It is further ordered*, That this proceeding is hereby terminated.

(Secs. 1, 2, 4, 201-205, 215, 218, 220, 313, 403, 412, 48 Stat., as amended, 1064, 1066, 1070, 1071, 1072, 1076, 1077, 1078, 1087, 1094, 1099; 47 U.S.C. 151, 152, 154, 201-205, 215, 218, 220, 313, 403, 412.)

FEDERAL COMMUNICATIONS  
COMMISSION,  
WILLIAM J. TRICARICO,  
Secretary.

#### APPENDIX A

##### "GRANDFATHERING" OF PBX AND KEY TELEPHONE SYSTEMS

1. *As of the Effective Date of this Order, June 1, 1978:* (a) Entire existing PBX and key telephone systems, including their equipments, premises wiring and protective devices ("connecting arrangements"), if any, are "grandfathered."

(b) Such systems may remain connected for their useful service life, and may be repaired by replacement of components with ones comparable to those forming the system.

2. *Additions to Existing Installations during the Transition Period, June 1, 1978 to July 1, 1979:* (a) No equipment changes may be made to existing grandfathered equipments except by the manufacturer thereof or a duly authorized agent.

(b) Premises wiring which is newly installed must conform to sections 68.214 and 68.215.

3. *New Installations during the Transition Period, June 1, 1978 to July 1, 1979:* (a) Equipments may either be FCC-registered, or the same design as equipments connected directly to the telephone network as of October 17, 1977 (eligible for "grandfathering"). Such direct connection is defined as dc continuity between the tip/ring telephone network channel and the equipment.

(b) Premises wiring used with such equipments shall be installed pursuant to sections 68.214 and 68.215. Where the equipments are "grandfathered", only the manufacturer may grant installation authority to the supervisor.

4. *Changes in the Classification of Premises Wiring:* (a) Existing premises wiring which is fully-protected (usually through the use of "connecting arrangements") may have its classification changed if sections 68.214 and 68.215 are complied with as if such wiring were newly-installed.

(b) In any case where hardware protection is removed to change the clas-

sification of the premises wiring, the equipments involved in the installation must individually either be registered, or qualify for "grandfathering" treatment (be of the same design as equipments which were directly connected to the telephone network as of October 17, 1977).

APPENDIX B

Part 68 of the Commission's Rules and Regulations (Chapter I of Title 47 of the Code of Federal Regulations, Part 68) is amended as follows, effective June 1, 1978:

1. In § 68.2, paragraph (c) is amended as follows:

§ 68.2 Scope.

(c) *Grandfathered Private Branch Exchange (PBX) and Key Telephone System.*

(1) Entire PBX and key telephone systems, including their equipments, premises wiring, and protective apparatus (if any) directly connected to the telephone network on June 1, 1978, may remain connected to the telephone network for life without registration, unless subsequently modified.

(2) Additions may be made to systems which qualify under the previous sub-paragraph up to July 1, 1979 without registration of any additional equipments involved provided that any premises wiring added conforms to these rules, and any equipment added is of a type directly connected to the telephone network as of October 17, 1977. No changes may be made to grandfathered equipments except by the manufacturer thereof, or a duly authorized agent of the manufacturer.

(3) New systems may be installed up to July 1, 1979 without registration of the equipments involved, provided that any premises wiring conforms to these rules, and any such unregistered equipments are of a type directly connected to the telephone network as of October 17, 1977. No changes may be made to grandfathered equipments except by the manufacturer thereof, or a duly authorized agent of the manufacturer.

(4) Separate, identifiable and discrete protective apparatus used with these systems (usually "connecting arrangements") may be removed, or replaced with apparatus of lesser protective function, provided that:

(i) Any premises wiring whose classification is changed thereby is qualified as if newly-installed under these rules.

(ii) All equipments in the system are of a type directly connected to the telephone network as of October 17, 1977, or are registered.

2. In § 68.3, a new sub-section (1) is added, and present sub-sections (1) through (p) are relabelled (m) through (q), respectively:

§ 68.3 Definitions.

(1) *Premises wiring:* Wiring which connects separately-housed equipment entities or system components to one another, or wiring which connects an equipment entity or system component with the telephone network interface, located at the customer's premises and not within an equipment housing.

(1) *Fully-protected premises wiring.* Premises wiring which is either:

(i) No greater than 25 feet in length (measured linearly between the points where it leaves equipment or connector housings) and registered as a component of and supplied to the user with the registered terminal equipment or protective circuitry with which it is to be used. Such wiring shall either be pre-connected to the equipment or circuitry, or may be so connected by the user (or others) if it is demonstrated in the registration application that such connection by the untrained will not result in harm.

(ii) Electrically behind registered (or grandfathered) equipment, system components or protective circuitry which assure that electrical contact between the wiring and commercial power wiring or earth ground will not result in hazardous voltages or excessive longitudinal imbalance at the telephone network interface.

(2) *Protected premises wiring requiring acceptance testing for imbalance.* Premises wiring which is electrically behind registered (or grandfathered) equipment, system components or circuitry which assure that electrical contact between the wiring and commercial power wiring will not result in hazardous voltages at the telephone network interface.

(3) *Unprotected Premises Wiring.* All other premises wiring.

3 Section 68.106 is amended by adding a new sub-section (c), as follows:

68.106 Notification to telephone company.

(c) *Systems Using other than "Fully-Protected" Premises Wiring:* Customers who intend to connect premises wiring other than "fully-protected" premises wiring to the telephone network shall, in addition to the foregoing, give notice to the telephone company in accordance with Section 68.215(e).

4. Section 68.214 is amended by adding a new sub-section (e), as follows:

68.214 Changes in registered equipment and circuitry.

(e) Operations associated with installing, connecting, reconfiguring or removing (other than final removal) premises wiring to registered terminal equipment or registered protective circuitry are changes in this equipment or circuitry within the meaning of this Section, unless:

(1) The premises wiring involved is "fully-protected" premises wiring, or

(2) All such operations are performed in accordance with Section 68.215.

5. A new § 68.215 is hereby added, as follows:

§ 68.215 Installation of other than "fully-protected" premises wiring.

(a) *Types of wiring authorized:* (1) *Between equipment entities.* Unprotected premises wiring, and protected premises wiring requiring acceptance testing for imbalance, may be used to connect separately-housed equipment entities to one another.

(2) *Between an equipment entity and the network interface(s).* Fully-protected premises wiring shall be used to connect equipment entities to the telephone network interface unless the local telephone company is unwilling or unable to locate the interface within twenty-five feet of the equipment entity on reasonable request. In any such case, other than fully-protected premises wiring may be used if otherwise in accordance with these rules.

(3) *Hardware protection as part of the telephone company's facilities.* In any case where the carrier chooses to provide (and the customer chooses to accept, except as authorized under subsection (g) below) hardware protection on the network side of the interface(s), the presence of such hardware protection will affect the classification of premises wiring for the purposes of Section 68.215, as appropriate.

(b) *Installation Personnel:* Operations associated with the installation, connection, reconfiguration and removal (other than final removal of the entire premises communications system) of other than fully-protected premises wiring shall be performed under the supervision and control of a supervisor, as defined in subsection (c) below. The supervisor and installer may be the same person.

(c) *Supervision:* Operations by installation personnel shall be performed under the responsible supervision and control of a person who: (1) Has had at least six months of on-the-job experience in the installation of telephone terminal equipment or of wiring used with such equipment;

(2) Has been trained by the registrant of the equipment to which the wiring is to be connected in the proper performance of any operations by installation personnel which could affect that equipment's continued compliance with these rules;

(3) Has received written authority from the registrant to assure that the operations by installation personnel will be performed in such a manner as to comply with these rules.

(d) *Workmanship and Material Requirements.* (1) *General.* Wiring shall be installed so as to assure that there is adequate insulation of telephone wiring from commercial power wiring and grounded surfaces. Wiring is required under these rules either to be sheathed in an insulating jacket in addition to the insulation enclosing individual conductors, or to be enclosed in conduit; in either case, it shall be assured that this physical and electrical protection is not damaged or abraded during placement of the wiring. Any intentional removal of wiring insulation for connections or splices shall be accomplished by removing the *minimum* amount of insulation necessary to make the connection or splice, and insulation equivalent to that provided by the wire and its jacket, or its enclosure, shall be suitably restored, either by placement of the splices or connections in an appropriate enclosure, or by using adequately-insulated connectors or splicing means.

(2) *Wire.* Individual conductors shall be insulated so as to assure that voltages between such conductors of up to 1000 volts rms, 60 Hertz, cause no greater than 10 ma. peak to flow, conductor-to-conductor. In addition, one of the following shall enclose any such individual conductors:

(i) An insulating jacket or sheath with a 1500 volt rms minimum breakdown rating. This rating shall be established by covering the jacket or sheath with at least six inches (measured linearly on the cable) of conductive foil, and establishing a potential difference between the foil and all of the individual conductors connected together, such potential difference gradually increased over a 30-second time period to 1500 volts rms, 60 Hertz, then applied continuously for one minute. At no time during this 90-second time interval shall the current between these points exceed 10 milliamperes peak. (Note, this requirement is patterned after section 68.304.)

(ii) Non-conducting conduit with insulating properties meeting the requirements of the previous subsection.

(iii) Conducting electrical conduit or electrical metallic tubing which is connected with earth ground.

(3) *Places Where Insulation Has Been Removed.* Any point where the sheathing insulation or enclosure for

wire has been removed shall be accessible for inspection. If such points are concealed, they shall be accessible without disturbing permanent building finish (e.g. by removing a cover).

(4) *Building and Electrical Codes.* All building and electrical codes applicable in the jurisdiction to telephone wiring shall be complied with. If there are no such codes applicable to telephone wiring, Article 800 of the 1978 National Electrical Code, entitled Communications Systems, and other sections of that Code incorporated therein by reference shall be complied with.

(5) *Limitations on Electrical Signals.* Only signal sources which emanate from the local telephone company central office, or which are generated in equipment at the customer's premises and are "non-hazardous voltage sources" (see Section 68.306(b)(4)) may be routed in premises telephone wiring, except for voltages for network control signaling and supervision which are consistent with standards employed by the local telephone company. Current on individual wiring conductors shall be limited to values which do not cause an excessive temperature rise, with due regard to insulation materials and ambient temperatures. The following table assumes a 45° C temperature rise for wire sizes 22 AWG or larger, and a 40° C rise for wire sizes smaller than 22 AWG, for poly-vinyl chloride insulating materials, and should be regarded as establishing *maximum* values to be derated accordingly in specific installations where ambient temperatures are in excess of 25° C:

*Maximum continuous current capacity of PVC insulated copper wire, confined*

Wire size, AWG	Circular mils	Maximum current, amperes
32	63.2	0.32
30	100.5	0.52
28	159.8	0.83
26	254.1	1.3
24	404.0	2.1
22	642.4	5.0
20	1022	7.5
18	1624	10

(6) *Physical protection.* In addition to the general requirements that wiring insulation be adequate and not damaged during placement of the wiring, wiring shall be protected from adverse effects of weather and the environment in which it is used. Where wiring is attached to building finish surfaces (surface wiring), it shall be suitably supported by means which do not affect the integrity of the wiring insulation.

(e) *Documentation requirements.* A notarized affidavit and one copy thereof shall be prepared by the installation supervisor in advance of each operation associated with the installa-

tion, connection, reconfiguration and removal of other than fully-protected premises wiring, except when involved with removal of the entire premises communications system using such wiring. This affidavit and its copy shall contain the following information:

(1) The responsible supervisor's full name, business address and business telephone number.

(2) The name of the registrant(s) of any equipment to be used electrically between the wiring and the telephone network interface, which does not contain inherent protection against hazardous voltages and longitudinal imbalance.

(3) A statement as to whether the supervisor complies with Section 68.215(c). The supervisor must have received training and written authority from each registrant identified in the previous subsection.

(4) The date(s) when placement and connection of the wiring will take place.

(5) The business affiliation of the installation personnel.

(6) Identification of specific national and local codes which will be adhered to.

(7) The manufacturer(s) and a brief description of the wire which will be used (model number or type) and its conformance with recognized standards on wire, if any (e.g. Underwriter's Laboratories listing, Rural Electrification Administration listing, "KS-" specification, etc.).

(8) The date when acceptance testing for imbalance will take place.

(9) The supervisor's signature.

The notarized original shall be submitted to the local telephone company at least ten calendar days in advance of the placement and connection of the wiring. This time period may be changed by agreement of the telephone company and the supervisor. The copy shall be maintained at the premises, available for inspection, so long as the wiring is used for telephone service.

(f) *Acceptance testing for imbalance.* Each telephone network interface that is connected directly or indirectly to other than fully-protected premises wiring shall be subjected to the acceptance test procedures specified in this section whenever an operation associated with the installation, connection, reconfiguration or removal of this wiring (other than final removal) has been performed.

(1) *Test procedure for two-way or outgoing lines or loops.* A telephone instrument may be associated directly or indirectly with the line or loop to perform this test if one is not ordinarily available to it:

(i) Lift the handset of the telephone instrument to create the off-hook state on the line or loop under test.

(ii) Listen for noise. Confirm that there is neither audible hum nor excessive noise.

(iii) Listen for dial tone. Confirm that dial tone is present.

(iv) Break dial tone by dialing a digit. Confirm that dial tone is broken as a result of dialing.

(v) With dial tone broken, listen for audible hum or excessive noise. Confirm that there is neither audible hum nor excessive noise.

(2) *Test procedure for incoming-only (non-originating) lines or loops.* A telephone instrument may be associated directly or indirectly with the line or loop to perform this test if one is not ordinarily available to it:

(i) Terminate the line or loop under test in a telephone instrument in the on-hook state.

(ii) Dial the number of the line or loop under test from another station, blocking as necessary other lines or loops to cause the line or loop under test to be reached.

(iii) On receipt of ringing on the line or loop under test, lift the handset of the telephone instrument to create the off-hook state on that line or loop.

(iv) Listen for audible hum or excessive noise. Confirm that there is neither audible hum nor excessive noise.

(3) *Failure of acceptance test procedures.* Absence of dial tone before dialing, inability to break dial tone, or presence of audible hum or excessive noise (or any combination of these conditions) during test of two-way or outgoing lines or loops indicates failure. Inability to receive ringing, inability to break ringing by going off-hook, or presence of audible hum or excessive noise (or any combination of these conditions) during test of incoming-only lines or loops indicates failure. Upon any such failure, the failing equipment or portion of the premises communications system shall be disconnected from the network interface, and may not be reconnected until the cause of the failure has been isolated or removed. Any previously tested lines or loops shall be retested if they were in any way involved in the isolation and removal of the cause of the failure.

(4) *Monitoring or participation in acceptance testing by the local telephone company.* The local telephone company may monitor or participate in the acceptance testing required under this section, in accordance with Section 68.215(g) below, from its central office test desk or otherwise.

(g) *Extraordinary procedures.* The local telephone company is hereby authorized to limit the subscriber's right of connecting FCC-registered terminal equipment or protective circuitry with other than fully-protected premises wiring, but solely in accordance with this subsection and Section 68.108 of these rules.

(1) *Conditions which may invoke these procedures.* The extra-ordinary procedures authorized herein may only be invoked where one or more of the following conditions is present:

(i) Information provided in the supervisor's affidavit gives reason to believe that a violation of Part 68 of the FCC's Rules is likely.

(ii) A failure has occurred during acceptance testing for imbalance.

(iii) Harm has occurred, and there is reason to believe that this harm was a result of wiring operations performed under this Section.

The extraordinary procedures authorized in the following sub-sections shall not be used so as to discriminate between installations by local telephone company personnel and installations by others. In general, this would require that any charges for these procedures be levied in accordance with, or analogous to, the "maintenance of service" tariff provisions: if the installation proves satisfactory, no charge should be levied.

(2) *Monitoring or participation in acceptance testing for imbalance.* Notwithstanding the previous sub-section, the local telephone company may monitor or participate in acceptance testing for imbalance at the time of the initial installation of wiring in the absence of the conditions listed therein; at any other time, one or more of the listed conditions shall be present. Such monitoring or participation in acceptance testing should be performed from the central office test desk where possible to minimize costs.

(3) *Inspection.* Subject to sub-section (1) above, the local telephone company may inspect wiring installed pursuant to this section, and all of the splicing and connection points required to be accessible by Section 68.215(d)(3) to determine compliance with this section. The user or installation supervisor shall either authorize the telephone company to render the splicing and inspection points visible (e.g. by removing covers), or perform this action prior to the inspection. To minimize disruption of the premises communications system, we are limiting the right of inspecting wiring as follows:

(1) During initial installation of wiring:

The telephone company may require withdrawal of up to 5 percent (measured linearly) of wiring run concealed in ducts, conduit or wall spaces, to determine conformance of the wiring to the information furnished in the affidavit.

(ii) After failure of acceptance testing or after harm has resulted from installed wiring:

The telephone company may require withdrawal of all wiring run concealed in ducts, conduit or wall spaces which reasonably could have caused the fail-

ure of harm, to determine conformance of the wiring to the information furnished in the affidavit.

In the course of any such inspection, the telephone company shall have the right to inspect documentation required to be maintained at the premises under § 68.215(e).

(4) *Requiring the use of protective apparatus.* In the event that any of the conditions listed in sub-section (1) above arises, and is not permanently remedied within a reasonable time period, the telephone company may require the use of protective apparatus which either protects solely against hazardous voltages, or which protects both against hazardous voltages and imbalance. Such apparatus may be furnished either by the telephone company or by the customer. This right is in addition to the telephone company's rights under Section 68.108.

(5) *Notice of the right to bring a complaint.* In any case where the telephone company invokes the extraordinary procedures of Section 68.215(g), it shall afford the customer the opportunity to correct the situation which gave rise to invoking these procedures, and inform the customer of the right to bring a complaint to the Commission pursuant to the procedures set forth in Subpart E of this Part. On complaint, the Commission reserves the right to perform any of the inspections authorized under this Section, and to require the performance of acceptance tests.

(h) *Limitations on the foregoing if protected wiring requiring acceptance testing is used.* If protected wiring is used which required acceptance testing, the requirements in the foregoing sub-sections of Section 68.215 are hereby limited, as follows:

(1) *Supervision.* Section 68.215(c)(2)-(3) are hereby waived. The supervisor is only required to have had at least six months of on-the-job experience in the installation of telephone terminal equipment or of wiring used with such equipment.

(2) *Extraordinary procedures.* Section 68.215(g)(3) is hereby limited to allow for inspection of exposed wiring and connection and splicing points, but not for requiring the withdrawal of wiring from wiring run concealed in ducts, conduit or wall spaces unless actual harm has occurred, or a failure of acceptance testing has not been corrected within a reasonable time. In addition, Section 68.215(g)(4) is hereby waived.

6. A new § 68.506 is hereby added, as follows:

§ 68.506 Configurations used to connect multi-line communications systems such as Private Branch Exchange (PBX) and key telephone systems.

Any of the jack configurations specified in § 68.502, used singly, in multiple

combinations, or combined in common mechanical arrays, may be used as the interface between multi-line equipment such as PBX and key telephone systems, and the telephone network. The telephone company and installation supervisor may mutually agree to use electrical connections alternative to those specified in § 68.502.

[FR Doc. 78-10484 Filed 4-18-78; 8:45 am]

[4310-55]

**Title 50—Wildlife and Fisheries**

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

**PART 33—SPORT FISHING**

**RAVALLI NATIONAL WILDLIFE REFUGE; MONT.**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Special regulation.

**SUMMARY:** The Director has determined that the opening to sport fish-

ing of Ravalli National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

**EFFECTIVE DATE:** May 20, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Robert C. Twist, Refuge Manager, No. 5 Third Street, P.O. Box 257, Stevensville, Mont. 59870, 406-777-5552.

§ 33.5 Special regulations: sport fishing for individual wildlife refuge areas.

**MONTANA**

**RAVALLI NATIONAL WILDLIFE REFUGE**

Sport fishing using only a single line and hook or hooks, with or without a pole, is permitted throughout the year on a portion of the Ravalli National Wildlife Refuge. The open area is approximately 4 miles of the Bitterroot River, which borders the refuge on the west, and the Burnt Fork Creek and its related oxbow (Francois Slough).

Fishermen must remain below the upland portion of the river banks. Sport fishing shall be in accordance with all applicable State regulations.

The fishing area is designated by signs and delineated on maps available at refuge headquarters, No. 5 Third Street, Stevensville, Mont., and from the Area Manager, Fish and Wildlife Service, 316 No. 26th Street, Billings, Mont.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in title 50, Code of Federal Regulations, part 33, and are effective through November 30, 1978.

**NOTE.**—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

R. C. TWIST,  
*Refuge Manager, Ravalli  
National Wildlife Refuge.*

APRIL 10, 1978.

[FR Doc. 78-10566 Filed 4-18-78; 8:45 am]

# proposed rules

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

[6320-01]

## CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 302, 399]

[EDR-353, PDR-52, PSDR-51; Docket Nos. 31290, 30891; Dated: April 13, 1978]

### DOMESTIC PASSENGER-FARE LEVEL POLICIES, DOMESTIC PASSENGER-FARE STRUCTURE POLICIES AND DISCOUNT FARE POLICY

#### Proposed Interim Changes

AGENCY: Civil Aeronautics Board.

ACTION: Proposed rule.

**SUMMARY:** The Board is proposing to make interim changes in the rate-making policies developed in the "Domestic Passenger-Fare Investigation" (*DPFI*), to allow the carriers to experiment with price/quality options tailored to their individual costs and the requirements of individual markets. Under the new policy, the Board would continue to suspend fare proposals priced above the *DPFI* Phase 9 formula as adjusted by the Board's fare level standards. But within a zone 50 percent below the ceiling, fares ordinarily would not be suspended on grounds that they might be unreasonable. This zone would permit normal-fare price competition, while the maximum would protect against unwarranted fare increases where competition is an insufficient check on abnormal profits. The Board is also proposing to change its tariff regulations and procedural rules governing the economic justification for tariff filings and the procedures for filing complaints against those filings.

These proposals resulted from the Board's reexamination of the *DPFI* pricing and fare structure policies in light of the potential certification of new carriers seeking to provide low fare service in individual markets and the developing tendency by incumbent carriers to engage in normal fare price competition.

**DATES:** Comments due by: May 10, 1978. Reply Comments due by: May 22, 1978.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable. All filed comments must include a full presentation of all evidence and arguments upon which the commenter wishes to rely in support of his position, or in rebuttal of facts relied upon by the Board. We have decided that all relevant issues

can be determined on the basis of written comments, and that oral evidentiary procedures will not be required. We will not entertain arguments to the contrary in the absence of a detailed specification of the disputed facts which the commenter considers cannot be resolved by written submissions, detailed evidence supporting his position with respect to such facts, a detailed specification of the manner in which he believes his version of these facts differs from the facts that may be relied upon by the Board, and a detailed explanation of why he believes the dispute cannot be resolved by written submission.

The Board in Order 77-11-126 (November 23, 1977) established a target date of May 1, 1978 for completion of the entire rulemaking. Due to the complex policy questions involved in this proceeding, the Board has decided to divide this rulemaking into two parts; we will establish a target date of July 27, 1978 for the completion of the first. A target date for completion of the second will be established later.

**ADDRESSES:** Twenty copies of comments should be sent to Docket 31290, Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

#### FOR FURTHER INFORMATION CONTACT:

Norman D. Schwartz, Assistant Director, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202-673-5056.

#### SUPPLEMENTAL INFORMATION:

##### I. BACKGROUND

By Advance Notice of Proposed Rulemaking, PSDR-49 (dated August 17, 1977), The Board announced that it was reexamining its *DPFI* pricing and fare structure policies in light of the potential certification of new carriers seeking to provide low fare service in individual markets<sup>1</sup> and the develop-

<sup>1</sup>Chicago-Midway Low Fare Route Proceeding (Docket 30277); Transcontinental Low Fare Route Proceeding (Docket 30356). After the advance notice was issued, the

ing tendency by incumbent carriers to compete in their normal fares.<sup>2</sup> The Board did not propose any specific changes to the *DPFI* in the advance notice. Rather it stated the tentative view that entry based upon low fare proposals and increased normal fare price competition among incumbent carriers were in the public interest, and invited comments on the question of whether any changes to the *DPFI* policies were necessary to encourage these developments. Included for consideration were questions about fare uniformity and fare flexibility.

Comments were filed by ten certificated air carriers, two intrastate carriers, one applicant for entry into the interstate market, several governmental agencies, airport authorities, consumer organizations, trade associations, and private parties. In addition, several of these commenters filed reply comments.<sup>3</sup>

As could be expected, the opinions expressed differed widely. At one extreme, a few persons urged that the current system of fare regulation be maintained. At the other extreme, the Board was urged to abandon *DPFI* fare regulation altogether. In general however, most commenters recommended that the *DPFI* policies be

Board instituted several other low fare route proceedings including the California-Nevada Low Fare Route Proceeding in Docket 31574; the Miami-Los Angeles Low Fare Case in Docket 31976; and the Baltimore/Washington-Houston Low Fare Route Case in Docket 31870.

<sup>2</sup>E.g., TWA's "Super-Coach" fares approved by Order 77-7-29 (July 11, 1977). Subsequently, Delta Air Lines proposed an "Aero-Bus" service in its New York-Miami market (approved by Order 77-11-124, November 23, 1977). Both types of fares are based upon the individual carrier's costs of operating aircraft with high density seating at load factors which exceed the Board's 55-percent standard, but which nonetheless appear to be consistent with adequate service in the market. Recently, we modified Phases 4 and 9 of the *DPFI* so that Western Air Lines could offer a normal coach fare in the Los Angeles-Miami market at a level 35 percent below the existing *DPFI* standard in that market. (Order 78-3-106, March 23, 1978). Similar modifications were made to allow Pan American World Airways to offer unrestricted fares 25 percent below the Phase 9 level in the Boston-Detroit, Los Angeles-San Francisco, Miami-Tampa, and New York-Washington market (Order 78-3-147, March 30, 1978).

<sup>3</sup>A detailed summary of both the comments and the reply comments is attached as Appendix A.

modified to permit increased fare flexibility.<sup>4</sup>

We have reviewed these positions carefully. We are not yet prepared to abandon fare regulation altogether,<sup>5</sup> but we are considering comprehensive changes in our *DPFI* fare policies which should make it relatively easy for the carriers to compete in normal fares in individual markets. At the same time we will continue to protect passengers from unwarranted fare increases.<sup>6</sup> We also intend to develop policies and procedures to encourage entry by new and existing firms.

Originally, we had expected to develop our proposed policies and complete the entire rulemaking by May 1, 1978.<sup>7</sup> We will not be able to do so since some of our proposed changes are relatively complex and will take more time to develop. But we see no need to delay introducing, at least on an interim basis, policies that will enable the carriers to engage in normal-fare competition in individual markets. Therefore, we have decided to divide the rulemaking into two parts. The first will deal principally with the issue of pricing flexibility. The proposals in this area are

<sup>4</sup>Of course, the commenters differed on the type of fare flexibility that should be permitted. Several proposed that the Board allow the carriers to set normal fares within a zone ranging both above and below the levels found reasonable by the Board. Others would establish maximum fares and permit downward flexibility only.

<sup>5</sup>This alternative would be much more attractive if the carriers were completely free to enter and leave markets. Under the present statute, however, new and existing carriers wishing to enter markets must first apply to the Board. We must then process those applications under section 401 of the Act. Thus, there are significant legal and practical restrictions on entry and they will remain for the foreseeable future. Even some of the various legislative reforms now before the Congress do not propose totally free entry and exit. Although they move in that direction. In any event, since carriers now operate in a protected environment where entry can be stalled or thwarted, we think it advisable to retain effective regulatory controls over competitive price behavior.

<sup>6</sup>The Federal Aviation Act sets forth a number of guidelines as being in the public interest which the Board must consider in adjudging the lawfulness of passenger fares. Section 102 of the Act provides a partial definition of "the public interest," while section 1002(e) of the Act lists five "rules of ratemaking" to be used in determining fares. Unfortunately, these criteria do not work in the same direction; but our proposed modifications represent a balancing among them. We have developed the modifications in light of our experience under the *DPFI* and the development of the industry to the point where a greater reliance can be placed upon competition to produce adequate service "at the lowest cost consistent with the furnishing of such service" (section 1002(e) of the Act).

<sup>7</sup>Order 77-11-126, dated November 23, 1977, at p. 5.

discussed below and include: Using the current fare formula to establish maximum fares only—a ceiling but not a floor; rescinding the *DPFI* finding that first-class fares must be set at a substantial percentage above coach fares; encouraging normal-fare price competition by establishing a "suspend free" zone below the maxima; setting forth policies affecting the ability of carriers to respond to the low fares of their competitors; encouraging peak/off-peak pricing where desirable; and modifying our joint fare policies.

In a second notice of proposed rulemaking, we intend to establish a new maximum fare formula which will reflect separately the costs of multi-stop and nonstop services,<sup>8</sup> and eliminate the cost/fare disparities between short-haul and long-haul flights.<sup>9</sup> This second notice is currently being prepared and will be issued as soon as possible.

## II. THE BOARD'S PROPOSALS

### A. INTRODUCTION

Until the *DPFI*, the Board had never prescribed a general passenger fare level or structure. During the 1950's and 1960's, technological advances in aircraft and improvements in productivity permitted an expansion in service at fare levels that were stable or even declining. At the end of the 1960's, a different picture emerged. Over 40 percent of passengers were traveling on discount fares; costs were escalating rapidly; and load factors were declining sharply. These circumstances produced strong pressures from the industry for general fare increases. Since the Board did not have a comprehensive set of standards for evaluating the reasonableness of these proposed increases, a major purpose of the *DPFI* was to develop such standards suitable to the new economic environment, and particularly to protect the normal coach fare level from increases essentially attributable to the costs of excessive capacity, as well as to correct anomalies in the patchwork fare structure that had evolved over the years.

In the long run, price competition is the most effective way to encourage efficient operation and provide for the air transport needs of consumers. Our

<sup>8</sup>Currently, fares are identical for these services. Also, the coach fares are set at a level sufficient to recover dilution from joint fares.

<sup>9</sup>At the present time, long-haul fares are above and short-haul fares are below their respective average industry costs. This change also requires a reexamination of the fare-basing mileage to be used in establishing maximum fares. Now shortest authorized mileage is used; alternatives include nonstop great circle mileage; mileage actually flown; and shortest operated mileage.

present rules unnecessarily impede such competition. We propose to remove these constraints, and expect that carriers will compete in normal-fare levels. Airlines are now free to compete in service and to a lesser degree in discount fares, and indeed the carriers have shown a healthy will to do so in both ways. On the other hand, the regulatory scheme and its administration restrict both their incentive and their freedom to compete in normal fares. It has become a commonplace criticism of that scheme that this has forced the carriers to compete by providing in non-monopoly markets for more amenities, frequencies, and space than many customers would pay for if they had a choice. As a result of this non-price competition, unit costs have risen and fares have frequently been higher than necessary.

The Board's policies have been the subject of examination by numerous scholars,<sup>10</sup> three Congressional committees,<sup>11</sup> the General Accounting Office,<sup>12</sup> a major independent CAB staff task force,<sup>13</sup> and the Executive Departments of the Ford and Carter Administrations.<sup>14</sup> However, we do

<sup>10</sup>See Appendix B, page 1, note 1.

<sup>11</sup>Hearings before the Subcommittee on Administrative Practice and Procedure, of the Committee on the Judiciary, U.S. Senate, on Oversight of Civil Aeronautics Board Practices and Procedures, February-March 1975, 94th Cong., 1st Sess. Report of the Subcommittee on Administrative Practice and Procedure, of the Committee on the Judiciary, U.S. Senate, "Civil Aeronautics Board Practices and Procedures." February 1976, 94th Cong. 1st Sess. Hearings before the Subcommittee on Aviation, of the Committee on Commerce, Science and Transportation, U.S. Senate, on Regulatory Reform in Air Transportation, April, June 1976, 94th Cong., 2d Sess. Hearings before the Subcommittee on Aviation, of the Committee on Public Works and Transportation, U.S. House of Representatives, on Reform of the Economic Regulation of Air Carriers, May-July 1976, 94th Cong., 2nd Sess. Hearings before the Subcommittee on Aviation, of the Committee on Commerce, Science and Transportation, U.S. Senate, on Regulatory Reform in Air Transportation, March-May 1977, 95th Cong., 1st Sess. Rep. No. 95-631 of the Committee on Commerce, Science and Transportation, U.S. Senate, on S. 2493, February 6, 1978, 95th Cong., 2d Sess. Hearings before the Subcommittee on Aviation, of the Committee on Public Works and Transportation, U.S. House of Representatives.

<sup>12</sup>Report to the Congress by the Comptroller General of the United States. *Lower Airline Costs per Passenger are Possible in the United States and Could Result in Lower Fares*, (Washington, D.C.: U.S. General Accounting Office, February 1977).

<sup>13</sup>Civil Aeronautics Board, *Regulatory Reform: Report of the C.A.B. Special Staff*, (WASHINGTON D.C.: U.S. CIVIL AERONAUTICS BOARD, JULY 1975)

<sup>14</sup>Paul W. MacAvoy and John W. Snow, *Regulation of Passenger Fares and Competition among the Airlines: Ford Administration*. Footnotes continued on next page

agree with a conclusion common to them: The interests of the traveling public would be better served in a market environment marked by significantly less government regulation. The interstate air transportation industry no longer needs the regulatory protection it once enjoyed. We, like other observers, have discerned in this industry a natural tendency to compete. In the past, carriers confined much of their competitive energies to the realm of service competition. It is our intention to create a climate conducive to price, as well as service competition. Our goal is not merely to foster the expansion of discount fares; we wish to achieve something more pervasive—a reduction in normal coach fares. Consequently, we propose the new fare policies discussed below as the first round of our efforts to afford carrier management the flexibility to lower fares relatively free from the intervention of government regulatory policy.

It is our judgment that normal-fare price competition is most likely to develop if we permit carrier management the freedom to lower fares in selective markets, rather than require fare changes to be made on a system-wide basis. Increasingly, it has become clear that no rigid general fare formula is as effective as the individual determinations of carrier managements. A general formula is necessarily imperfect when applied to the varied and complex market situations that exist in the air transportation system. Moreover, it is administratively impossible for the Board to regulate fares on a market-by-market basis.

Because the possibility of entry is the essential non-regulatory deterrent

to overcharging and predation, a system which restricts entry must retain governmental authority to intervene in pricing matters.<sup>15</sup> Our proposals, therefore, are designed to remove those regulatory impediments to price competition which are not necessary for the prevention of anti-competitive behavior and the protection of the public during the period of transition from a comprehensively regulated to a more freely competitive industry. Consistently with our statutory obligations to protect the public, we will not allow the airlines unfettered discretion to raise prices until we have created wider possibilities for new entry. We will, therefore continue to test price increases against a detailed ratemaking formula. On the other hand, we propose to allow airlines considerable freedom to lower prices.<sup>16</sup> As we gain experience with our pricing policies and implement our entry program, we expect gradually to relax upward as well as downward restraints.

In order to encourage normal-fare pricing flexibility, we propose to modify or revoke several of the tight restraints on normal fare price competition established in the *DPFI*. We also are proposing new criteria for fare suspensions and we intend to reduce the burden on carriers of justifying fare proposals.

The *DPFI* requires each airline to establish an inflexible normal fare structure for coach service based on industry average costs by length of trip, at standard load factors which vary by distance and average 55 percent. This requires identical fares for all markets of equal distance. Thus, a proposed reduction in normal coach fares in a particular market must be rejected under the *Phase 9* order, even if it is cost justified. The only permissible lower fares are either restricted selected discount fares or ones tied to a lower quality of service. The Board has suspended many lower fares, particularly discount fares not justified under a profit-impact test (as prescribed in the

*Phase 5* order), with the burden of justification resting on the airline that wanted to offer it. And, we have required discount fares to carry an expiration date not to exceed 18 months.

It is certainly desirable for airlines to offer travellers the choice of low fares for spartan services, (for example, high-density seating, no-meal service, or travel at inconvenient times). But that option is not an entirely sufficient substitute for the offer of lower prices for standard coach service in the many markets in which we believe such lower prices would be cost justified. Discount fares, too, have their drawbacks as a principal form of price competition. For example, despite the Board's recent encouragement of low-fare initiatives, we have suspended a number of such proposals because of the danger that the discount traffic would impinge on the availability of seats for passengers paying the higher normal fares.<sup>17</sup> While we firmly believe that promotional discounts continue to have an important role in making low cost air transportation available to the travelling public, we believe that the regular fare-paying passengers can best be protected by encouraging lower normal fares as well.<sup>18</sup> The desirability of lower normal fares in this context stems from the fact that under a differentiated fare structure, the lower average yield resulting from the introduction of discount fares will, other things being equal, imply a higher average load factor. This may result in a reduced availability of space on short notice to the full fare passenger, whose normal fare is predicated on a lower than actual load factor. A reduction in the normal fare compensates the full fare passenger for this reduction in the quality of the service he receives.<sup>19</sup>

The Board's *Phases 5 and 9* policies clearly restrict price competition. We therefore propose to vacate the requirement in *Phase 9*<sup>20</sup> that carriers file uniform fares by mileage on a formula basis; and to change our discount fare policies set forth in *Phase 5*<sup>21</sup> so

Footnotes continued from last page  
*Papers on Regulatory Reform* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1977). Includes a summary of the Ford administration proposals for regulatory reform as well as studies prepared by and for the staff of the Department of Transportation. Hearings before the Senate Subcommittee on Aviation, 1977, note 11, supra, pp. 272-279 (statement of Charles L. Schultze, Chairman, Council of Economic Advisers), pp. 341-343 (statement of W. Michael Blumenthal, Secretary of the Treasury) and pp. 1338-1344, 1368-1369, (testimony and statement of Brock Adams, Secretary of Transportation).

The materials referred to in notes 10 through 14 are available for public inspection at the Board's library, Room 913, 1825 Connecticut Avenue NW., Washington, D.C. The significant conclusions are summarized in Appendix B.

We obviously are not necessarily persuaded by each of the arguments of each of the critics nor do we adopt here and each policy recommendation explicitly proposed or logically implied by them. However, the development and promulgation of our pricing policies owes a great deal to work done by students of the regulatory process.

<sup>15</sup>The Board is currently developing standards and procedures which will allow as much entry as rapidly as we can within the limits of the current statute.

<sup>16</sup>While providing the carriers with flexibility to lower fares within a zone below our fare ceiling will represent a significant step in furtherance of the statutory ratemaking objective of providing adequate and efficient air transportation, "at the lowest cost consistent with the furnishing of such service," (section 1002(e)(2)), we cannot ignore our responsibility to maintain "reasonable charges" (section 102(c)) and the "lowest cost" (section 1002(e)(2)) in markets where competition is insufficient to ensure them. At the same time, for reasons explained below, we believe the pricing policies we are proposing more than adequately take account of the revenue needs of each carrier (section 1002(e)(5)).

<sup>17</sup>See, e.g., Orders 77-9-143, 77-10-137 and 77-11-92.

<sup>18</sup>Cf. *Hawaii Fares Investigation*, Order 76-10-37 (reconsideration pending), mimeo opinion, pp. 8-9, and the concurring opinion of Members Minetti and West (mimeo, pp. 7-9), in which the Board adopted a "ceiling" approach to normal fares in mainland-Hawaii markets.

<sup>19</sup>As we explained in *Hawaii Fares*, this reduction in the quality of service provided full fare passengers is, however, no means inevitable.

<sup>20</sup>Phase 9 (Fare Structure), Order 74-3-82 (March 18, 1974), and Order 74-12-109 (December 27, 1974).

<sup>21</sup>Phase 5 (Discount Fares), Order 72-12-18 (December 5, 1972) and Order 73-5-2 (May 1, 1973). Further changes to our discount fare policies are currently being considered in Docket 30891.

as to remove the requirement that discount fares be justified on the basis of the profit-impact test and that such fares contain an expiration date not to exceed 18 months.

We have also decided to vacate our *Phase 9* finding prescribing first-class fares at a fixed percentage over formula coach fares. In our view, the prescription of minimum first-class fares may prevent the carriers from maximizing first-class revenues and unnecessarily limit their ability to offer travellers more varied higher quality/better service combinations.

Finally, we propose to allow a broader range of fare experimentation without the likelihood of suspension. The ceiling of the range would be set by the normal fare formula currently used by the Board in evaluating general fare increases.<sup>22</sup> All filings above the ceiling would have to be justified and would be subject to suspension and investigation.<sup>23</sup> Although we will closely reexamine this ceiling in the second phase of this rulemaking, our present judgment is that it is sufficiently high to permit the continued provision of scheduled service, provided, of course, it continues to be adjusted for general cost increases.<sup>24</sup> The floor of the range would be 50 percent of the ceiling formula. Within this zone, fare filings would not have to be accompanied by an economic justification. Nor would the Board suspend a fare proposal within that zone on the grounds that the level is unreasonable unless there were a showing of substantial likelihood of immediate and irreparable harm to competition.

This modest first step toward a more flexible, competitive pricing policy that we notice here is best viewed as transitional from the present rigid regulatory system to a more fully competitive regime. This interim rule does not modify all Board policies which may have an effect upon price competition. Rather, we now propose to remove one direct impediment and

<sup>22</sup>We also intend to modify the joint fare prescriptions set forth in *Phase 4* of the *DPII* so that maximum joint fares will be based upon the ceiling fares.

<sup>23</sup>We also request comments on the desirability of allowing carriers the flexibility to raise fares above the ceiling by a fixed percentage without first obtaining Board approval. We suggest two alternatives. Under the first, the carriers would have the opportunity to raise their fares by 5 percent above the ceiling in individual markets without justification. Fares within this range would not be suspended absent extraordinary circumstances. Under the second alternative, carriers would be allowed to raise their fares by 15 percent above the ceiling on 52 peak days of the year per market as chosen by the carrier.

<sup>24</sup>Until a new ceiling is established, local service carriers would continue to be allowed an additional range up to 30 percent above the formula ceiling.

even that only over a range of fare levels which we tentatively believe to be achievable without harmful consequences to the industry, the network of scheduled service, or, most importantly, the travelling public. Four decades of growth and a demonstrated inclination to compete—often in spite of regulatory barriers—have tentatively convinced us to allow more marketing freedom. More than a decade of careful studies, and our own experience have tentatively convinced us that little risk and much benefit will flow from such a change. In our judgment, the industry no longer needs the same degree of protection from competition or carrier misjudgement as it has received in the past. And our judgement is that the interests of consumers are now likely to be better served by a relaxation of the detailed pervasive price control that we have exercised in the past.

#### B. CEILING FARES

In *Phase 9* of the *DPII* the Board established a cost-related formula prescribing uniform fares by mileage. Carriers could seek across-the-board changes upward or downward in the entire structure and they could propose to alter the formula to more closely approximate the cost/fare relationship at all distances. But all other attempts to adjust coach fares, including reductions in fewer than all markets, would be unlawful. In effect, a carrier simply cannot adjust coach fares in individual markets. If it wants to compete in price in any of its markets, it must either offer a restricted promotional fare or establish a wholly new class of service, e.g., off-peak, higher density seating, or no-frill.

These requirements were designed to treat passengers moving at various distances equally. But they severely restrict the ability of the carriers to engage in normal-fare price competition. By doing so, they deny passengers the lowest prices consistent with the cost characteristics of each individual carrier and market. And, they deny them also the benefit of the powerful pressures price competition exert on sellers constantly to improve their efficiency. We believe that price competition will encourage carrier efficiency, lead to a better allocation of resources, and produce fares that are more equitable because they will be based on the actual costs of each flight rather than very broad industry averages. Therefore, we have tentatively decided to vacate those aspects of our *Phase 9* formula that prevent airlines from selectively cutting prices. We are thus removing a major regulatory barrier to market-by-market price competition.

We do not predict that transforming the *Phase 9* formula into a ceiling below which carriers may lower their

fares will lead to lower normal fares in all or even most markets. Nor do we predict that all fares which do go lower will make full use of the permitted zone. We cannot, and need not, predict the exact distribution of fares within the zone, since costs differ among markets and we expect the fares established to reflect such cost differences.

We are not disposed at this state to remove all regulatory controls over price increases. We are concerned that if free from regulatory constraints, carriers might raise coach fares to unreasonable levels in markets in which the Board's own entry policies give them market power. We recognize the force of the argument by the carriers, in this proceeding<sup>25</sup> and in other forums,<sup>26</sup> that in a more competitive environment, some prices must be free to go up as others go down. On the other hand, until competitive constraints are freely established, regulatory price ceilings are essential.<sup>27</sup> Until entry is free, the carriers must not be left free to exercise monopoly or oligopoly power in individual markets. The Board's statutory responsibilities to insure adequate service at a reasonable price require us to protect passengers in these circumstances.<sup>28</sup>

To balance these conflicting factors, therefore, we propose to maintain a maximum coach fare for each market. While we will adjust the ceiling to reflect actual cost increases, using the methodology described below, we

<sup>25</sup>See, for example, the comments to PSDR-49 filed by American (p. 15); Continental (pp. 6-7); Delta (pp. 4-5); Eastern (p. 3); Pacific Southwest (pp. 2-3); TWA (pp. 5-6); and United (pp. 9-10).

<sup>26</sup>See, for example, Hearings before the Senate Subcommittee on Aviation, 1977, note 11, supra, pp. 430-432 (statement of Richard Ferris, President and Chief Executive Officer, United Airlines) and pp. 877-878, 884-885, 913-916 (testimony and statement of R. S. Maurer, Senior Vice President, General Counsel and Secretary, Delta Air Lines).

<sup>27</sup>See, for example, comment of TWA to PSDR-49, pp. 5-6; Hearings before the Senate Subcommittee on Aviation, 1977, note 11, supra, p. 414 (testimony of Richard Ferris, President and Chief Executive Officer, United Air Lines) and pp. 609-611 (Lee M. Hydeman, Counsel Continental Air Lines); and Report of the Subcommittee on Administrative Practice and Procedure, note 11, p. 131.

<sup>28</sup>Our responsibility to provide for adequate and efficient transportation at the lowest cost consistent with the furnishing of adequate service (section 1002(e)(2)) does not imply that passengers in some markets must be subjected to excessive charges in order to offset low fares in other competitive markets. The statute mandates the encouragement of competition to the extent necessary to assure economical and efficient operations (section 102 (c) and (d)). Cross-subsidization from excessive fares in less competitive markets would only serve to encourage inefficiency.

intend to suspend any coach fare, not otherwise justified, proposed above the ceiling. Until we move to a more cost-based fare ceiling, we have tentatively decided to use the Phase 9 formula as adjusted by the fare level standards developed in the other phases of the DPFI to compute the maximum coach fare level.<sup>29</sup>

We recognize that there may be valid alternatives to our proposed maximum fare policy which would balance our responsibility to ensure that carriers not exercise monopoly power with the need to give the carriers the economic incentive to provide adequate service, especially during peak periods. One such approach may simply be to allow the carriers the flexibility to raise their fares in individual markets by five percent above the ceiling without economic justification. Fares within this upper zone would not be suspended absent extraordinary circumstances. Alternatively, carriers would be permitted to establish fares above the ceiling by as much as 15 percent on 52 peak days of the year per market as chosen by the carriers. We request the views of all interested persons on these alternatives. We would especially like the commenters to focus upon the question of whether any upward flexibility is desirable in view of the restrictive entry provisions of the present Act and, if so, whether the implementation of such upward pricing flexibility should be delayed until we have gained sufficient experience with our downward zone (e.g., 6 months).<sup>30</sup>

The interim fare ceiling and proposed suspension policy will protect passengers from unwarranted fare increases. At the same time, all carriers will have the opportunity to achieve adequate earnings, since the ceiling will be based upon industry average costs by mileage, as it is today. Those carriers whose costs exceed the average are under pressure even today to improve their efficiency, since the fares they charge are based on the average; they will have greater incentives under our new policy, since their more efficient competitors will be free to price below that average. Correspondingly, carriers whose costs are

<sup>29</sup>We will continue to use shortest authorized mileage in computing ceiling fares, and, as we have already observed, to permit local service carriers to price their services in a zone ranging up to 130 percent above the coach fares produced by the Phase 9 formula.

<sup>30</sup>We do not intend to allow any controversy over policies to permit upward pricing flexibility to delay implementation of the other policies proposed in this rule. If necessary, we will sever this issue from the rule-making and consider it separately. In this regard, we do not intend to grant any requests for extensions of the comment period. However, we will extend such requests relating to this issue alone.

below the average will continue to be able to reap high financial rewards, either by accepting fares well above their own costs or, under our new policy, improving their market position by offering lower normal fares.

We find no reason to believe that inadequate returns would result from voluntary fare reductions. There is a considerable body of evidence that lower fares often stimulate enough new traffic to fill empty seats, spread the unit costs over a greater number of passengers, and thus allow revenues to exceed costs even at the lower fare, without a reduction in frequency.<sup>31</sup> In fact, the traffic stimulation by lower fares is often significant enough to make it profitable to expand service and reap handsome profits.<sup>32</sup> If demand conditions warrant, carriers are free to accompany their price cuts with reduced scheduling to achieve the requisite higher load factor.<sup>33</sup> If none of these strategies succeeds, carriers can raise their fares to the allowable ceilings. In brief, the carriers have considerable service flexibility under current regulations; they will have corresponding price flexibility under the rules we propose. They will thus be better able to control the price/service mix they offer in particular markets. The Phase 9 formula we intend to use as a ceiling is sufficiently high to allow substantial room for carriers to cut prices, because the formula is based on an overall average load factor of 55 percent, and implicitly on a much lower one in long-haul markets.

Price competition does not necessarily mean inadequate profits. Unregulated markets do work. But in a more price-competitive environment, some may lose while others profit. In our view, the public benefits that will flow from a more competitive airline industry significantly outweigh the risk that some carriers will lose money in some markets and may have to reduce service or withdraw from them.<sup>34</sup>

<sup>31</sup>We should not lose sight of the paramount public interest contribution of lower fares in encouraging air travel by many persons who could not previously afford to do so; the rate criterion in section 1002(e)(1), "the effect of such rates upon the movement of traffic," reflects an especially important public interest consideration.

<sup>32</sup>See, generally, Appendix B.

<sup>33</sup>This has essentially been the strategy employed by TWA in establishing "SuperCoach" service in the Chicago-Los Angeles, Baltimore-Chicago and New York-Denver markets.

<sup>34</sup>The Act does not contemplate rate regulation as a means of protecting carriers against losses arising from their own inefficiency or inability to compete. Competition is to be encouraged as necessary to develop an air transportation system meeting the needs of commerce [section 102(d)]. The Act further enjoins the Board to consider the need for adequate and efficient air service

Moreover, - the present regulatory regime has not been a guarantor against extremely wide profit disparities;<sup>35</sup> nor has it insulated carriers from severe pressures of competition of their profit margins; on the contrary, competition in service—most prominently in scheduling—has been uncontrolled, and has eroded profits in markets with fares well above cost at the standard 55 percent load factor. Nor, finally, has it prevented withdrawals of service.<sup>36</sup> The major difference under the proposed rule is that the public would get the benefits of competition in a form—low fares—that it has repeatedly demonstrated it prefers to empty aircraft or amenities.

#### C. FARE FLEXIBILITY BELOW THE CEILING

Elimination of the requirement that carriers adjust their coach fares on a system-wide basis will remove a major regulatory obstacle to competition in normal fares. To make it easier, we have tentatively decided to establish a "suspend free" zone ranging to 50 percent below the maximum fare level. Similarly, carriers would be free under this policy to increase reduced fares up to the ceiling. Carriers would not have to submit the economic data now required by § 221.165 of the Board's Economic Regulations (14 CFR 221.165) to justify fares within the zone; and the fares would not be suspended on the grounds of the reasonableness of the level,<sup>37</sup> in the absence of exceptional circumstances.

In deciding whether suspension of a fare within the zone might be justified on grounds of reasonableness, the Board would be guided by its view that the risk of depriving the public of the benefits of reduced rates through suspension, at least within this zone, is substantially greater than the risk that the competitive environment would deteriorate from allowing allegedly uneconomic fares to be effective during investigation.<sup>38</sup>

at the lowest cost consistent with such service [section 1002(e)(2)], and the need of each carrier for revenue sufficient to provide adequate and efficient service under honest, economical and efficient management [section 1002(e)(5)].

<sup>35</sup>Under our DPFI policies, the trunk carriers' system rates of return ranged from 1.7% (TWA) to 9.8% (Braniff) in 1975; from 4.1% (Eastern) to 12.2% (Delta) in 1976; and from 3.9% (Eastern) to 15.3% (Delta) in 1977.

<sup>36</sup>As just one of many examples, Continental withdrew from the Dallas-Los Angeles market from 1971 to July 1977 due to extremely low load factors. See Orders 72-5-72, 73-5-94, 74-5-77, 75-5-13, 76-4-27, and 77-5-96.

<sup>37</sup>Of course, fares that may be unjustly discriminatory or unduly preferential or prejudicial would still be subject to suspension on those grounds.

<sup>38</sup>The determination as to whether the Board's powers of suspension under section

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Our evaluation of allegedly exceptional circumstances that might justify a suspension would be similar to that of the court in determining whether a stay or preliminary injunction is warranted on the basis of the balance between alleged irreparable injuries and the public interest. Specifically, in order to justify a suspension within the zone on reasonableness grounds, a complainant would have to make a strong showing; (1) that there was a high probability that the fare would be found to be unlawful (*i.e.*, that he would prevail on the merits) after investigation; (2) that there is substantial reason to believe it is predatory, so that allowing it to go into effect could create the substantial likelihood of immediate and irreparable harm to competition (as distinguished from the harm to an individual competing carrier); (3) that such harm to competition would be more substantial than the injury to the traveling public arising from the unavailability of the proposed fare; and (4) that the suspension would not otherwise be contrary to the public interest.<sup>39</sup> As in the courts, this showing would have to be particularly strong where, as here, the grant of a suspension would necessarily result in at least a short run substantial injury to members of the traveling public by depriving them of the benefit of the low fares.<sup>40</sup>

If a sufficient showing were not made to justify suspension, the Board would nevertheless consider whether the fares should be investigated, either on the basis of a complaint or on its own initiative. But the carriers would be allowed to experiment with the fares during the pendency of the investigation. Thus, operating experience would be available to the Board in making its evaluation.

We propose to eliminate the requirement that fares filed within the zone be accompanied by an economic justification.<sup>41</sup> Providing these data are an

unnecessary burden and the requirement of economic justification is likely to discourage experimentation and innovation. It imposes delay, penalizes experimentation, and may provide a carrier's competitors with the fruits of its own initiative and analysis. Carriers should be encouraged to reap the benefits of profitable low-fare opportunities, and to test out those opportunities even if they are uncertain they can predict the results.

This change would take the Board out of the business of second-guessing management pricing decisions in advance, reviewing them to decide, paternalistically, whether they are going to be in the interest of the company making them, or of the industry as a whole. In our view, such decisions are, except in unusual circumstances, best left to the judgment of management on the one hand, and the testing of the marketplace on the other.

A carrier will seldom, if ever, fail to act in its own best interest and would not keep a fare which turns out to be a mistake. The fact is that the Board cannot with any great degree of reliability determine in advance whether a low fare will be profitable, and even if it could do so on an industry average basis, it could not do so for each individual carrier. Carrier managements are not only in a better position to make these predictions, at least with respect to their own costs and services, but they are also directly subject to the penalties of a competitive marketplace if their predictions turn out to be erroneous, and can, if given the discretion to do so, promptly revise their fares to rectify an error in judgment. Carrier managements should be given this discretion and responsibility, at least within a limited range, and thereby avoid depriving the travelling public of the low fares which could be available were it not for the current restrictions on competitive low-fare pricing flexibility.

We recognize the concern, however, that competition may force carrier managements to offer fares lower than they would otherwise wish to do. But, of course, that is exactly the way competition is supposed to work. We recognize the fear also that the result may be fares that will not enable the carriers to recover their costs. We do not believe that the fear of so-called destructive price competition is a realistic one in this industry. In any event, rather than deprive most travellers of the benefit of price reductions to prevent the unusual instances where harm might result, we will ordinarily

proposal until the proponent has filed its answer to the complaint. Therefore, we have tentatively decided to amend Subpart E of our Procedural Regulations (14 CFR 302.500) to allow the complaining party the opportunity to file a reply to the proponent carrier's answer.

take action only if harm to competition becomes demonstrably imminent or actually occurs.

We have chosen a 50 percent reduction from *DPFI* fares as the floor of our no-suspend zone because our analysis of existing discount and intrastate fares demonstrates that fares down to and below this level have been viable in scheduled service, and have been used profitably by interstate and intrastate carriers. The conclusions drawn from these existing fares is corroborated by other studies indicating that if carrier managements had been given flexibility to reduce normal fares in individual markets, profitable operations frequently could have been conducted at fares representing reductions from *DPFI* equal to or greater than the 50 percent we have chosen.<sup>42</sup> We also realize that operations in some markets may be profitable at fares substantially below this floor, especially as carriers adapt to the competition we proposed to encourage.<sup>43</sup>

We would expect carriers to file fares below the floor based on their

<sup>39</sup>An analysis made by Senator Kennedy's former Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary, in its February 1976 Report on *Civil Aeronautics Board Practices and Procedures*, 94th Cong., 1st Sess., at p. 41, concluded that intrastate fares are approximately 50 to 70 percent less than CAB interstate fares for approximately the same distances and kinds of routes. Of similar import is *An Analysis of the Intrastate Air Carrier Regulatory Forum*, prepared for the Department of Transportation by Simat, Hellesen and Eichner, Inc., which shows that in various types of markets interstate fares have ranged from 39.4 percent to 92.9 percent above comparable California intrastate markets studied. (The specific percentages were: 92.9 percent in short- and medium-haul markets (338-373 miles), 80 percent for short-haul markets (109 miles), and 39 percent for very short-haul markets (65 miles)] (Vol. 2, table 10, p. 47).

Other evidence also suggests that fare reductions in the magnitude of 50 percent are feasible on a profitable basis. Cost data of Lockheed for the L-1011 and of Boeing for the B-747 submitted to, and analyzed by, the staff of the Kennedy Subcommittee show that in long-haul markets (2,500 miles), with all coach seating configurations and load factors of 60 percent, fare reductions below the *DPFI* normal fare of 37.7 percent and 47.3 percent, respectively (43.6 percent and 52.6 percent respectively with a 70 percent load factor), should be possible. (See Kennedy Subcommittee Report, *supra* at pp. 54, 56). See, also Appendix B.

<sup>42</sup>See generally Appendix C which shows the relationship of intrastate and discount fares to the *DPFI* equivalent fare. Also, Laker's Skytrain fares (an international example which may shed light on domestic possibilities) are 65 percent below the normal New York-London peak season economy fare. More speculatively, World Airways has proposed transcontinental service at fares ranging from 46.8 percent to 51.8 percent below *DPFI* normal coach fares.

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1002(g) of the Act should be invoked is a matter which Congress has left to the discretion of the Board. See *United States v. Students Challenging Regulatory Agency Procedures* (SCRAP), 412 U.S. 659, 690-91 (1973); *Arrow Transportation Co. v. Southern R. Co.*, 372 U.S. 658 (1963).

<sup>40</sup>See *Fortune v. Molpus*, 431 F.2d 799, 804 (CA 5, 1970); *Virginia Petroleum Job. Assn. v. Federal Power Commn.*, 259 F.2d 921, 925 (CA DC, 1958); *Resident Advisory Bd. v. Rizzo*, 429 F. Supp. 222, 224 (DCED Pa., 1977).

<sup>41</sup>*Cf.*, *Coleman v. Paccar, Inc.*, 424 U.S. 1301, 1307-08 (1976); *Fortune v. Molpus*, 431 F.2d 799, 805 (CA 5, 1970); *Federal Trade Commission v. Thomsen-King & Co.*, 109 F.2d 516, 519 (CA 7, 1940); *Resident Advisory Bd. v. Rizzo*, 429 F. Supp. 222, 226 (DCED Pa., 1977).

<sup>42</sup>This means that a complaining party will not know all the reasons for the fare

own costs or special marketing needs. As we initiate our new policy, the Board would review these lower fares to insure that too rapid a transition to competitive pricing will not result in the inability of carriers in the market to provide adequate service to the public. If we continue to be assured by experience that fares below the floor will not lead to a serious deterioration of service, we should be able to eliminate the floor.

Appendix C shows the relationship of a number of currently effective intrastate and discount fares to the proposed floor and ceiling. In short-haul markets, the main experience with low fares has been within States where competition was not constrained by Board regulation. Fares in these markets range below the *DPFI* equivalent, by margins ranging from 22.4 percent (peak) and 51.5 percent (off-peak) between Austin and Lubbock, Texas, to 52.1 percent (normal, Los Angeles-Sacramento) and 69.4 percent (off-peak, Midland/Odessa-Dallas, Texas).

These intrastate low fares have been successful. They have been for normal coach services—including in some cases even lower off-peak fares—and they have been accompanied by good service and have not led to destructive competition. They have opened up great new markets, and have thereby encouraged proposals for interstate low-fare service on much the same basis.

Recent experience with long-haul low fares has been restricted by the Board's *DPFI* policies primarily to discount fares for restricted conditions of travel or inferior service. These have involved discounts from the *DPFI* normal levels ranging from 34 to 51 percent, with seven of the eight discount fares shown on Appendix C at or close to 50 percent. A zone of non-suspension fare flexibility narrower than the 50 percent we propose would thus require justification for fares at the level of several currently in effect, and could discourage their introduction. This would be a step in the wrong direction. Our experience with these fares to date supports our tentative conclusion that initial Board scrutiny of fares within a narrower zone would present a greater danger of depriving the travelling public of substantial benefits than the value of providing limited and, in our experience, generally unneeded protection against uneconomic pricing.

The reason why the "suspend-free" zone should go as low as is prudently possible is that there are wide differences in the true economic costs of different flights and of different carriers for the same distance, and in the nature of demand in different markets. The Board has previously recognized the first condition in a very limited way by establishing night

coach as a normal-fare class of service, with a lower fare based only on variable costs.<sup>44</sup> Tag-end, entry and positioning legs have also been recognized as justifying "fill-up" fares.<sup>45</sup> Fare flexibility recognizes the ability of the carriers severally to make finer cost distributions than can the Board, and to price accordingly. The ceiling, with an implicit system average load factor of 55 percent for the coverage of costs, including tax and return, leaves ample room for reductions motivated by competitive and marketing factors, and made possible by lower than average opportunity costs or higher than average load factors.

Demand conditions in some markets encourage the reduction of fares even without competition. We expect increased competition and carrier freedom to encourage this even more. We do not expect the floor to be low enough to accommodate the lowest of the fares that will recommend themselves to carriers; nor do we feel that it needs to be in this interim rule. We know that some carriers typically operate with system average load factors below 50 percent, and that the same is true generally in many major competitive markets. (Appendix D shows that average load factors in 15 out of 25 dense long-haul markets are below the *DPFI* 55 percent load factor standard.) We suspect that these load factors may be so low because the restraints on price competition have encouraged service competition. Low load factors indicate room for ample price competition without substantial loss of service quality.

Consistently with our belief that the time has come to place greater reliance and responsibility on both carrier managements, who have a great deal at stake in avoiding uneconomic pricing policies, and a competitive marketplace to provide the travelling public with low fares and to insure that the fares will be economic, we intend also to eliminate the use of the profit impact test in evaluating discount fares<sup>46</sup> and the requirement that each contain an expiry date of 18 months or

less. As the Board pointed out in *PSDR-47*,<sup>47</sup> the profit impact test has as a practical matter been both imprecise and difficult to administer. Also its continued use is inconsistent with our desire to rely upon the natural economic motivation of carrier managements and the competitive marketplace, rather than the Board to forestall uneconomic fares or secure their abandonment.<sup>48</sup>

The requirement of an expiration date was intended to permit review of the justification for a below fully allocated cost discount fare to determine if it continue to meet the profit impact test. If it no longer met its objective of filling otherwise empty seats, or did not pay for capacity added for the purpose of accommodating the discount traffic, the discount fare could have become uneconomic, and its proposed extension could then be suspended and investigated.

In practice, however, the Board has not found it necessary to terminate discount fares. There appears to be little need for us to interject our imprecise regulatory judgment to protect the carriers from decisions that it is the responsibility of their managements to make; and there are powerful reasons why we should cease doing so—our well-intended interventions shift responsibility from where it belongs (management and the market) and interferes with the processes of market competition. Economic low fares are more likely to persist where a firm in an oligopolistic industry is required to initiate any increase than where the initiator of the discount fare must periodically renew its initiative, perhaps against pressures of its competitors not to do so. In addition, limiting the period of effectiveness of a fare facilitates predation by providing the predator the opportunity to recoup his losses once the effectiveness period of the low fare expires.

#### D. FIRST-CLASS FARES

Our tentative conclusion with respect to coach fares also calls into question our current policy on first-class fares. In *Phase 9* of the *DPFI*, the board determined that these should ultimately be based upon their share of full costs, on the ground that failure to do so would inevitably burden the coach passenger.<sup>49</sup>

\*\*\* In the long run, however, the failure to recoup a full share of costs from first-class traffic inevitably burdens coach passengers. The cost shortfall from first-class service must be made up elsewhere, either

<sup>44</sup>Advance Notice of Proposed Rulemaking Discount Fares, *PSDR-47* (May 16, 1977), Docket 30891.

<sup>45</sup>*Cf.* Hawaii Fares Investigation, *supra*. As noted, other issues raised by *PSDR-47* will be addressed in Docket 30891.

<sup>46</sup>Order 74-3-82, *supra* at 125; also printed in CAB *DPFI* volume, pp. 821-822.

<sup>44</sup>See Domestic Night Coach Fare Investigation, Order 77-4-133 (*reconsideration denied*, Order 77-6-118).

<sup>45</sup>See, e.g., Order 76-12-14 (December 3, 1976), where the Board dismissed complaints against a standby fare at a 31 percent discount from normal fares proposed by Pan American on the Detroit-Boston domestic portion of its international flights; and Order 77-1-108, where the Board dismissed complaints against standby fares at a 30 percent discount (from normal levels) proposed by Northwest on the domestic leg of its New York-Tokyo flight.

<sup>46</sup>The profit-impact test requires that discount fares generate sufficient traffic to more than offset the diversion of full fare traffic and the added noncapacity costs associated with the generated traffic less any savings in costs attributable to the nature of the service provided to the discount traffic.

by lessening the volume of capacity available to coach passengers (which can result in turning away coach passengers unwilling to pay the first-class fare), or by requiring additions to capacity earlier than would otherwise be necessary (thus burdening the overall fare level). These long-run burdens are particularly exacerbated if the carriers offer a value of first-class capacity which is out of proportion to first-class traffic, as has been the case in recent years.

Thus, the board prescribed minimum first-class fares at a fixed percentage over formula coach fares corresponding to the estimated cost ratios by mileage block.

The same logic as recommends we permit pricing flexibility for coach fares, recommends we do the same for first-class.<sup>50</sup> The prescription of minimum first-class fares may prevent the carriers from maximizing net revenues from this class of customers and far from protecting coach passengers from being burdened by first-class traffic may deny the former the benefit of a larger net revenue contribution and impose unnecessary fares on the latter as well. The ideal first-class fare premium depends upon the elasticity of demand for first-class service and also upon the number of seats that would otherwise be empty. If carriers were free to vary the first-class fare markup, and if they felt demand for that service were fairly price elastic, they could lower the premium, sell more seats, get the added net contribution to revenues than our present rule prevents, and in the process confer benefits on travellers willing to pay somewhat more for first-class comfort. The flexibility provided by our proposed rule will allow this kind of market-by-market variation of first-class premiums to reflect these differing demand characteristics and market opportunities.

In taking this action, we do not ignore the Board's earlier concern that possible long-run deficiencies in first-class revenues would be recouped from coach passengers. Under the coach fare adjustment formula we are proposing below, however, any short-falls related to fare reductions would be borne by the carriers, and not the fare payers. Under these circumstances, the carriers will have a continuing incentive to conduct first-class services on an economic basis.

#### E. JOINT FARES

The Board has tentatively determined to modify the joint fare prescriptions set forth in *Phase 4* of the *DFFI*,<sup>51</sup> so that the required maximum joint fares will be based on the ceiling

fares, rather than on the local fares actually charged. The maxima prescribed in *Order 74-12-108* involve a substantial reduction from the sum of the local fares, and because the maxima are predicated on a specified relationship to the actual local fares, a reduction in the latter for one market would require concomitant reductions in a variety of joint fares in related markets. This means that, unless we change the joint fare prescriptions, a carrier wishing to lower its normal fares would risk substantial yield dilution from the joint fares that would also be affected, and would also in the process reduce the joint fare revenues of the other carriers. Entirely apart from the injustice of the latter consequence, the Board is concerned that the burden of this additional yield dilution may inhibit the carriers from exercising the pricing flexibility we propose here to extend to them. For this reason we propose to modify the *Phase 4* order to tie the required joint fares to the ceiling fares, rather than to the actual local fares.<sup>52</sup> Passengers who depend on interline service for their travel will, at the least, be protected by maximum joint fares no greater than the present ones and, in many instances will benefit from the normal-fare price competition permitted by the proposed policies.

#### F. ADJUSTMENT OF THE FARE CEILING

At the present time, the reasonableness of the overall normal fare level is determined essentially by comparing revenues (adjusted to removed discount fare dilution) with expenses (adjusted to reflect load factor, seating, utilization and depreciation standards).<sup>53</sup> When the adjusted revenues are insufficient to cover these expenses plus the allowable rate of return, a fare level increase is allowed, and the *Phase 9* formula is increased accordingly. This system does not appear to be workable for adjusting the ceiling fares when flexibility in normal fares is permitted. For example, while lower fares may be fully profitable because they permit or are accompanied by higher than standard load factors, under the present method of applying our load-factor standard, the carriers' reported expenses would be adjusted upward to give them credit for the higher-than-standard load factors they had

achieved; at the same time, their actual revenues would not have gone up correspondingly, because the higher load factor would have been achieved with reduced fares. The upward adjustment of costs and less than proportionate increase in revenues would disclose an apparent need for an increase in the ceiling fares where none in fact existed. The present methodology could be adapted to this new kind of regulation—which would not set actual normal fares but only ceilings—only by computing hypothetical normal revenues in each market where the carriers' fares are below the ceiling or by making *ad hoc* adjustments to the load factor standard to reflect the higher load factors in reduced-fare markets. Those refinements would greatly complicate the process of adjusting the ceiling, however, and we believe the approach outlined below will achieve the same result in a far less complex fashion.

The approach we propose would adjust ceiling fares on the basis of changes in costs alone, adjusted for ratemaking standards. Costs per passenger-mile for the trunk carriers would be computed by adding: (1) The average capacity cost per passenger-mile, adjusted for the standard load factor of 55 percent, and seating, utilization and depreciation standards; (2) the average reported noncapacity cost per passenger-mile; and (3) an allowance for taxes and return on investment. The percentage change in these costs, projected forward to the middle of the effective period of the fare level, would be used to update the allowable fares.

For the 6-month period April 1, 1978–September 30, 1978, the ceiling formula would be the same as the normal fare calculated under the current methodology, with both costs and revenues projected to July 1, 1978. For the succeeding 6-month period, the formula would be adjusted to reflect the change between costs projected to January 1, 1979, and costs as of July 1, 1978. This proposed cost calculation method would be expected to produce approximately the same results as the current methodology, as long as the relationship between the average full-fare yield and the average ceiling fare stayed the same.<sup>54</sup> The reason for this is, in essence, that once costs are adjusted for the ratemaking standards,

<sup>50</sup>Consistently with common industry practice, we will further provide that the joint fares may be no higher than the actual sum of the locals. Otherwise, unwary passengers could be trapped into paying a joint fare which exceeds the fare they could pay for the same service (the sum of the locals) by double ticketing.

<sup>51</sup>In addition, costs, are projected three months beyond the effective date of the proposed fare increase, and the effects of previous fare increases are annualized.

<sup>52</sup>Full-fare yields are now approximately 12 percent below average full fares because of dilution from joint fares and circuitous routings. This could change under the proposed modifications of the *DFFI* as joint fare construction and charges for circuitous routings will potentially differ. These differences, however, should result in both increases and decreases in dilution and the net effect may be a wash. In any event, the short duration of this interim rule will militate against any significant distortion.

<sup>53</sup>We will thus vacate the prescription requirement set forth in ordering paragraph 3 of *Order 74-12-109 supra*.

<sup>54</sup>*Phase 4* (Joint Fares), *Order 74-3-80* (March 13, 1975) and *Order 74-12-108*, December 27, 1974. These joint fare prescriptions are set forth in *Order 74-12-108*, as modified by *Order 75-8-126*.

increases in costs are automatically passed through as allowable increases in the fares.<sup>56</sup> In other words, there is a stable relationship between adjusted costs and the allowable fares. Thus, it really is not necessary to make a detailed examination of the carriers' revenues to assess their need for an increase in the ceiling fares.

As the relationship between normal fares and the normal fare ceiling or formula fares changes under the policies established in this interim rule, this cost methodology would insulate the ceiling from inflation due to the higher implicit load factors of lowered coach fares. But it would continue to keep the ceiling sufficiently high for the provision of normal coach service at the ratemaking standard load factor in the average market.

Finally, our coach-fare ceiling would not be significantly altered by our tentative decision to allow the carriers flexibility in pricing their first-class service. Under the cost methodology proposed here the only changes which might occur would be: (1) An increase in the average noncapacity cost per passenger caused by an increase in the proportion of traffic travelling first class; and (2) an increase in capacity costs per passenger if the cabin is reconfigured to increase first-class seating.<sup>57</sup> We believe that the former change would be negligible during the effective period of this interim rule, because change in the traffic mix should be gradual and because most noncapacity passenger service costs (e.g., reservations and baggage handling) are the same regardless of class of service. First-class RPM's are less than 8 percent of the domestic trunk total, and the noncapacity cost of first-class service is about 9 percent above coach service. Similarly, we believe it unlikely that the carriers will appreciably increase first-class capacity relative to coach during this interim period, particularly since there continues to be so much excess capacity in the first-class cabin.<sup>58</sup> In the second stage of this proceeding, we will articulate an approach to adjusting the coach ceiling that will insulate coach

passengers from the burden of any such reconfigurations in the future.

Accordingly, we tentatively find and conclude that: (1) Ordering paragraphs 2 and 3 of Order 74-12-109 be vacated; and (2) paragraph 1 of Order 74-12-108, as amended by Order 75-8-126 (August 26, 1975), be amended by revising subparagraphs 1(a) and 1(b) and adding subparagraph 1(d) to read:

(a) Except as provided in subparagraphs (b), (c), and (d), the maximum joint fares for routings generating 50 or more passengers per year are the sum of the maximum local fares over the lowest-fare interline routing<sup>59</sup> between the origin and destination generating 50 or more passengers per year minus one tax-rounded coach ceiling terminal charge (determined under the policies enunciated in PS—) for each intercarrier connection involved in such routing: *Provided*, That in any case where the routing flown is over an intermediate point to which the maximum local fare from the origin, destination, or another intermediate point is greater than the maximum joint fare prescribed above, the maximum joint fare for such routing shall be the maximum local fare to the higher-rated intermediate point: *Provided, further*, That where the maximum joint fare prescribed above results in a fare less than the lowest equally or more direct (as determined from shortest authorized mileages) maximum local coach, standard or jet custom-fare published between the same points, the maximum joint fare will be the amount of such lowest maximum local fare if the local fare is constructed on the basis of the trunkline coach fare formula, or if the local fare is published at a higher level, the amount the local fare would be were it constructed on the basis of that formula; and

(b) The maximum joint fares: (i) for routings generating 50 or more passengers per year in which the mileage<sup>60</sup> over the routing flown exceeds the ratemaking mileage over the lowest-fare interline routing, as aforesaid, between the origin and destination by more than 20 percent, (ii) for routings generating less than 50 passengers per year, and (iii) for routings involving three or more intercarrier connections, are the sum of the maximum local fares over the routing flown, minus one tax-rounded coach ceiling terminal charge for each intercarrier connection: *Provided*, That in any case where the routing flown is over an intermediate point to which the maximum local fare from the origin, destination or another intermediate point is greater than the maximum joint fare prescribed above, the maximum joint fare for such routings shall be the maximum local fare to the higher-rated intermediate point: *Provided, further*, That where the maximum joint fare prescribed above results in a fare less than the lowest equally or more direct (as determined from shortest authorized mileages) local coach, standard, or jet custom fare published between the same points, the maximum joint fare will be the amount of such lowest local fare if the local fare is constructed on the basis of the trunkline coach fare formula,

<sup>56</sup> "Maximum local fares" as used in this order are the highest fares for on-line service permitted by Order 74-12-109, as modified by the policies established in PS—.

<sup>60</sup> I.e., the mileage used in constructing the local fares for that routing.

or, if the local fare is published at a higher level, the amount the local fare would be were it constructed on the basis of that formula; and

(d) In no event shall the maximum joint fares provided for in subparagraphs (a) and (b) exceed the actual sum of the local fares for the routing flown.

PROPOSED RULES

The Board proposes to amend part 221 of its Economic Regulations (14 CFR part 221); part 302 of its Procedural Regulations (14 CFR part 302); and part 399 of the Policy Statements (14 CFR part 399) as set forth below.

**PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS**

Section 221.165 would be amended by adding a new paragraph d(4) to read as follows:

§ 221.165 Explanation and data supporting tariff changes and new matter in tariff publications.

(d) Exceptions:

(4) The requirement for data and/or information in paragraph (b) of this section shall not apply to fares for scheduled passenger service within the 48 contiguous states and the District of Columbia which are within a zone ranging from the fare ceiling as computed by the Board to 50 percent below the fare ceiling.

**PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS**

1. Amend the Table of Contents by modifying § 302.505 as follows:

Sec. 302.505 Complaints requesting suspension of tariffs; answers to such complaints; replies to such answers.

2. Amend § 302.505 by revising paragraph (b) and (f) and by adding a new paragraph (g) as follows:

§ 302.505 Complaints requesting suspension of tariffs-answers to such complaints; replies to such answers.

(b)(1) Except as provided by paragraph (b)(2) of this section, a complaint requesting suspension, pursuant to section 1002(g) of the Act, of a tariff for interstate or overseas air transportation ordinarily will not be considered unless made in conformity with this section and filed at least thirty-three days (33) days before the effective date of the tariff, or, in the event a posting date is printed on the tariff, unless the complaint is filed

<sup>56</sup> Most of the change in the normal fare formula in the last 2 years can be attributed to changes in costs rather than change in the relationship between the average full-fare yield and the average full fare.

The results of a multiple regression of the cumulative fare factors calculated in the last 2 years as a function of projected costs are shown in the table attached as appendix E. The R<sup>2</sup> statistic of 0.98 indicates that most of the change in the cumulative factor can be attributed to the change in costs.

<sup>57</sup> This would reduce the total seats per aircraft and hence increase the costs per average seat, whereas in fact the costs of coach service would not have changed.

<sup>58</sup> The domestic trunks' first-class load factor for the year ended Oct. 31, 1977, was a mere 33.6 percent. Source: CAB Form 41.

within twelve (12) days after said posting date.

(2) A complaint requesting suspension pursuant to 1002(g) of the Act of a fare for the scheduled air transportation of persons within the 48 contiguous states and the District of Columbia which is within a zone ranging from the fare ceiling as computed by the Board to 50 percent below the fare ceiling will not be considered unless made in conformity with this section and filed at least thirty nine (39) days before the effective date of the tariff or, in the event a posting date is printed on the tariff, unless a complaint is filed six (6) days after said posting date.

(f) Answers to complaints shall be filed within six (6) days after the complaint is filed: *Provided, however*, That answers to complaints seeking suspension of a tariff pursuant to section 1002(j) of the Act shall be filed within five (5) calendar days after the complaint is filed: *Provided, further*, That answers to complaints requesting suspension of a fare for scheduled air transportation of persons within the 48 contiguous states and the District of Columbia which is within a zone ranging from the fare ceiling as computed by the Board to 50 percent below the fare ceiling shall be filed within seven (7) calendar days after the complaint is filed.

(g) Within seven (7) calendar days after service of an answer submitted under the second proviso in paragraph (f) of this section, a complainant may file a reply to the answer.

#### PART 399—STATEMENTS OF GENERAL POLICY

##### 1. Amend § 399.31 to read as follows:

##### § 399.31 Domestic passenger fare-level policies.

It is the policy of the Board that the basic test of the reasonableness of the maximum level of passenger fares for scheduled services by trunk and local service carriers in markets within the 48 contiguous states and the District of Columbia is that it produces revenues sufficient to meet the costs, including a fair return on investment, of the operations of the domestic trunk-line industry as a whole (as long as the bulk of the carriers fall within a reasonable range of the standard rate of return and industry data are not distorted by the results of unrepresentative carriers). The revenues, costs, and investment used to determine the reasonableness of the maximum fare level

<sup>1</sup>The Board's policy with regard to the coach, regional or jet custom fares of local service carriers appears on § 339.32 of this part.

shall reflect the following policies and standards:

(f) Each carrier should have the opportunity to set fares in each market within a zone ranging to 50 percent below the ceiling fares which will not be suspended by the Board on account of the reasonableness of the level of the fare absent the following extraordinary circumstances:

(1) The high probability that the fare would be found to be unlawful after investigation;

(2) The substantial likelihood that the fare is predatory so that there would be an immediate and irreparable harm to competition if it were allowed to go into effect;

(3) The harm to competition would be greater than the injury to the travelling public arising from the unavailability of the fare; and

(4) The suspension is in the public interest; and

(g) Carriers should be free to set market fares below the minima on the basis of such factors as their individual costs or specialized marketing needs, unless the level the proposed fare reductions will result in an inability of the carriers in the market to provide adequate service to the public or the fares are otherwise unlawful.

##### 2. Amend § 399.33 to read as follows:

##### § 399.33 Domestic passenger fare-structure policies.

The Board's policy on the structure of passenger fares for scheduled services by trunk and local service carriers in markets within the 48 contiguous states and the District of Columbia is as follows:

(a) Ceiling trunk coach fares<sup>1</sup> for trips of any given distance should be based upon the fare formula established by the Board in *Phase 9 of the Domestic Passenger-Fare Investigation* (Docket 21866-9) as adjusted by the Board's fare level standards and for cost increases; coach fare proposals priced above this ceiling should be suspended unless otherwise justified; carriers may propose fares lower than the ceiling in individual markets.

(b) Carriers should be free to set the level of first class fares; and

(c) There should be joint fares in all markets over all routings, at a level not to exceed the sum of the maximum local fares permitted by this policy statement minus one tax-reounded coach ceiling terminal charge for each interline connection and all required joint fares should be divided according to the relative costs of the

<sup>1</sup>The Board's policy with regard to the coach, regional or jet custom fares of local service carriers appears on § 339.32 of this part.

mileage flown by each carrier participating in the interline movement.

We are directing that this Notice of Proposed Rulemaking be served on all parties to Docket 21866.

(Sec. 204, 403, 404, and 1002, of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 760, and 788, as amended; 49 U.S.C. 1324, 1373, 1374, 1482; and 5 U.S.C. 553)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,<sup>2</sup>  
Secretary.

[FR Doc. 78-10620 Filed 4-18-78; 8:45 am]

[8010-01]

#### SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-14650; Filed No. 87-432]

#### DISSEMINATION OF QUOTATION INFORMATION

##### Withdrawal of Proposal Rule

AGENCY: Securities and Exchange Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Commission has withdrawn a proposed rule governing reporting of quotations in listed securities because the proposed rule has been superseded by the adoption of an alternative rule.

EFFECTIVE DATE: May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Linda A. Heary, Staff Attorney, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-1395.

SUPPLEMENTARY INFORMATION: The Commission has announced the withdrawal of proposed Rule 17a-14 (17 CFR 240.17a-14) under the Securities Exchange Act of 1934 (the "Act") (15 U.S.C. 78a et seq.). On March 8, 1972, the Commission proposed Rule 17a-14 under the Act, which would have required each national securities exchange and association to make quotations of their members in listed securities available to vendors.<sup>1</sup>

<sup>2</sup>Appendices are on file as part of the original document. Copies will also be available for inspection at the CAB's Public Reference Room, Room 710, 1825 Connecticut Avenue, Washington, D.C. Those interested persons not residing in the Washington Area may obtain a copy by sending a postcard request for EDR-353/PDR-52/PSDR-51, Distribution Section, Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

<sup>1</sup>Securities Exchange Act Release No. 9529 (March 8, 1972), 37 FR 5760.

After republishing the rule in a substantially revised form in 1974,<sup>2</sup> the Commission determined in 1975 to defer consideration of the proposal<sup>3</sup> and to pursue an alternative course of action which culminated earlier this year in the adoption of Rule 11Ac1-1 under the Act, effective May 1, 1978.<sup>4</sup> In consideration of the foregoing, the proposal to amend 17 CFR 240 by enacting § 240.17a-14 is hereby withdrawn.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

APRIL 11, 1978.

[FR Doc 78-10543 Filed 4-18-78; 8:45 am]

[4210-01]

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 201]

[Docket No. R-78-525]

**PROPERTY IMPROVEMENT AND MOBILE HOME LOANS**

**Late Charges**

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed rulemaking.

SUMMARY: These amendments prescribe late charges to be paid by an insured lending institution when insurance charges are not paid to the Commissioner within the time period prescribed for such payment. The prescribed period for the payment of insurance charges is within 25 days of acknowledgment of the loan report. The proposed rules impose a penalty of four percent (4%) on payments not made within the time period prescribed.

DATES: Comments must be received on or before May 19, 1978.

ADDRESS: Interested persons are invited to submit comments, suggestions or data regarding the proposed rules to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection during business hours at the above address.

<sup>2</sup>Securities Exchange Act Release No. 10989 (August 14, 1974), 39 FR 31920.

<sup>3</sup>See Securities Exchange Act Release No. 11288 (March 11, 1975), 40 FR 15015 and 11406 (May 7, 1975), 40 FR 25645.

<sup>4</sup>See Securities Exchange Act Release No. 14415 (January 26, 1978), 43 FR 4342.

**FOR FURTHER INFORMATION CONTACT:**

T. J. O'Connor, Director, Office of Finance and Accounting, Room 2202, Telephone 202-755-6310.

**SUPPLEMENTARY INFORMATION:** HUD regulations require the payment of insurance charges within twenty-five (25) days after the insured lending institution has been billed.

Failure on the part of insured lending institutions to timely remit payments has caused increased costs to the Department and reduced the insurance fund from which claims are paid.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy is available for public inspection in the Office of the Rules Docket Clerk at the address listed above.

Accordingly, it is proposed that Chapter II of Title 24 be amended to read as follows:

1. Amend the table of contents by adding to Subpart D a new §201.1514(a) to read as follows:

**Subpart D—Combination and Mobile Home Lot Loans, Sec.**

201.1514(a) Insured Lender's late charge.

**Subpart A—Property Improvement Loans**

2. In §201.13 paragraph (b) is amended to read as follows:

**§ 201.13 Insurance charge.**

(b) \* \* \*

(1) Insurance charges not paid by the insured lender within the time period provided by this section shall include a late charge of four percent (4%) of the amount of the payment.

**Subpart B—Mobile Loans**

3. In § 201.630 a new paragraph (c) is added to read as follows:

**§ 201.630 When insurance charge payable.**

(c) *Insured lender's late charge.* Insurance charges no paid by the insured lender within the time period provided by this section shall include a late charge of four percent (4%) of the amount of the payment.

**Subpart C—Fire Safety Equipment in Health Care Facilities**

4. In § 201.1220 a new paragraph (d) is added to read as follows:

**§ 201.1220 Rate of insurance charge.**

(d) *Insured lender's late charge.* Insurance charges not paid by the insured lender within the time period provided by this section shall include a late charge of four percent (4%) of the amount of the payment.

**Subpart D—Combination and Mobile Home Lot Loans**

5. A new §201.1514(a) is added to read as follows:

**§ 201.1514(a) Insured lender's late charge.**

Insurance charges not paid within twenty-five days after billing or the date the Commissioner acknowledges to the insured lending institution the receipt of the report of the loan shall include a late charge of four percent (4%) of the amount of the payment.

**Subpart E—Historic Preservation Loans**

6. In §201.1665 a new paragraph (c) is added to read as follows:

**§201.1665 Payment of insurance charges.**

(c) Insurance charges not paid by the insured lender within the time period provided by this section shall include a late charge of four percent (4%) of the amount of the payment.

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); 48 Stat. 1246, (12 U.S.C. 1703, as amended))

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Issued at Washington, D.C. on April 11, 1978.

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

[FR Doc. 78-10545 Filed 4-18-78; 8:45 am]

[4210-01]

[24 CFR parts 203, 204, 234]

[Docket No. R-78-526]

**MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS**

**Mortgagee's late Charge**

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed rules prescribe late charges to be paid by a mortgagee in the event application fees, commitment extension fees, and

mortgage insurance premiums are not received within 15 days after the billing or due dates. The Assistant Secretary for Housing has found that delinquency on the part of some mortgagees in the payment of such fees and premiums has become a significant problem for the Department. The rules published here are intended to prevent such delinquencies by imposing a penalty of 4 percent on payments not made within the time period specified.

**DATES:** Comments on the proposed rules must be received no later than May 19, 1978.

**ADDRESS:** Interested persons are invited to submit written comments, suggestions or data regarding the proposed rules to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection during business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:**

T. J. O'Connor, Director, Office of Finance and Accounting, Room 2202, telephone 202-755-6310.

**SUPPLEMENTARY INFORMATION:** HUD Regulations require the payment by a mortgagee of application fees, commitment extension fees, and mortgage insurance premiums in connection with mortgages insured by the Federal Housing Administration. The Office of Finance and Accounting has reported numerous cases in which mortgagees have been delinquent in the payment of these obligations. As a result of these delinquencies, the Federal Housing Administration loses substantial funds to which it is legally entitled. Failure to pay mortgage insurance premiums poses a particular problem in that such premiums are intended to sustain the mutual mortgage insurance fund, from which insurance claims are paid. For these reasons, the Assistant Secretary for Housing proposes additions to existing regulations which would impose a penalty of 4 percent on payments made more than 15 days after the billing date. In the case of mortgage insurance premiums, payment must be made no more than 15 days after the billing date or the due date, whichever is later. It is not the purpose and intent of the regulations to require the payment of a late charge by the mortgagee in any case where HUD fails to render a proper billing to the mortgagee for fees and premiums. The late charge will be assessed only in those instances where the mortgagee fails to pay the fees and premiums within the time

limits prescribed after receipt of a notice of the amount due from HUD. A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy is available for public inspection in the Office of the Rules Docket Clerk at the address listed above. Accordingly, it is proposed that Chapter II of Title 24 be amended as follows:

**PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS**

1. By amending the table of contents of Part 203 to add a new §§ 203.262 and 203.445 as follows:

Sec.  
203.262 Mortgagee's late charge.  
203.445 Mortgagee's late charge.

2. By amending § 203.12 to include a new paragraph (c) as follows:

§ 203.12 Application and commitment extension fees.

(c) *Mortgagee's late charge.* Application fees and commitment extension fees which are paid to the Commissioner more than 15 days after the billing date shall include a late charge of 4 percent of the amount of the payment.

3. By amending § 203.60 to include a new paragraph (c) as follows:

§ 203.60 Application and commitment extension fees.

(c) *Mortgagee's late charge.* Application fees and commitment extension fees which are paid to the Commissioner more than 15 days after the billing date shall include a late charge of 4 percent of the amount of the payment.

4. By adding a new § 203.262 as follows:

§ 203.62 Mortgagee's late charge.

Mortgage insurance premiums which are paid to the Commissioner more than 15 days after the billing date or due date, whichever is later, shall include a late charge of 4 percent of the amount of the payment.

5. By adding a new § 203.445 as follows:

§ 203.445 Mortgagee's late charge.

Insurance premiums which are paid to the Commissioner more than 15 days after the billing date or due date, whichever is later, shall include a late charge of 4 percent of the amount of the payment.

**PART 204—COINSURANCE**

6. By amending the table of contents of Part 204 to add a new § 204.260a as follows:

Sec. 24.260a Mortgagee's late charge.

7. By amending § 204.4 to include a new paragraph (c) as follows:

§ 204.4 Application fees.

(c) Application fees which are paid to the Commissioner more than 15 days after the billing date shall include a late charge of 4 percent of the amount of the payment.

8. By adding a new § 204.260a as follows:

§ 204.260a Mortgagee's late charge.

Mortgage insurance premiums which are paid to the Commissioner more than 15 days after the billing date or due date, whichever is later, shall include a late charge of 4 percent of the amount of the payment.

**PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE**

9. By amending § 234.13 to include a new paragraph (c) as follows:

§ 234.13 Application and commitment extension fees.

(c) *Mortgagee's late charge.* Application fees and commitment extension fees which are paid to the Commissioner more than 15 days after the billing date shall include a late charge of 4 percent of the amount of the payment.

Issued at Washington, D.C., April 11, 1978.

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

[FR Doc. 78-10546 Filed 4-18-78; 8:45 AM]

[4210-01]

[24 CFR Parts 207, 220, 232, and 250]

[Docket No. R-78-527]

**MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT**

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed rulemaking.

**SUMMARY** The proposed rules prescribed late charges to be paid by the mortgagee for a multifamily housing project, nursing home, hospital, group practice facility, or Title X land development project in the event mortgage

insurance premiums are not received within 15 days after the billing or due dates. The Assistant Secretary for Housing has found that delinquency on the part of some mortgagees in the payment of such premiums has become a significant problem for the Department. The proposed rules published here are intended to prevent such delinquencies by imposing a penalty of 4 percent on payments not made within the time period specified.

**DATES:** Comments on the proposed rules must be received on or before May 19, 1978.

**ADDRESS:** Interested persons are invited to submit written comments, suggestions, or data regarding the proposed rules to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection during business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:**

T. J. O'Connor, Director, Office of Finance and Accounting, Room 2202, telephone 202-755-6310.

**SUPPLEMENTARY INFORMATION:** HUD regulations require the payment by a mortgagee of mortgage insurance premiums (MIP) in connection with mortgages insured by HUD. The Office of Finance and Accounting has reported numerous cases in which mortgagees have been delinquent in the payment of such obligations. As a result of such delinquencies, HUD loses substantial funds to which it is legally entitled which jeopardizes the insurance funds. For these reasons, the Assistant Secretary for Housing proposes additions to existing regulations which would impose a penalty of 4 percent on payments made more than 15 days after the billing date or the due date, whichever is later. It is not the purpose and intent of the regulations to require the payment of a late charge by the mortgagee in any case where HUD fails to render a proper billing to the mortgagee for mortgage insurance premiums. The late charge will be assessed only in those instances where the mortgagee fails to pay the premiums within the time limits prescribed after receipt of a notice of the amount due from HUD.

Specific amendments have been made to Parts 207 (multifamily mortgage insurance), 220 (urban renewal mortgage insurance), 232 Subpart D (nursing homes and intermediate care facilities—fire safety equipment supplementary loan mortgage insurance), and 250 (coinsurance for State housing finance agencies). These amend-

ments also apply to other parts through incorporation by reference. Included in this category are Parts 205 (Title X land development), 210 (multifamily projects—war housing mortgage insurance), 213 (cooperative mortgage insurance), 221 (low cost and moderate income mortgage insurance), 224 (armed services housing—military personnel), 225 (military housing insurance), 227 (armed services housing—impacted areas [sec. 810]), 229 (national defense rental housing mortgage insurance), 231 (elderly housing mortgage insurance), 232 Subpart B (nursing homes and intermediate care facilities mortgage insurance), 234 (condominium project mortgage insurance), 235 (project rehabilitation mortgage insurance), 236 (mortgage insurance and interest reduction payments for rental projects), 241 (supplementary financing for insured project mortgages), 242 (mortgage insurance for hospitals) and 244 (mortgage insurance for group practice facilities).

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

It is hereby certified that the economic and inflationary effects of these amended regulations have been carefully evaluated in accordance with Executive Order No. 11821.

Accordingly, it is proposed that Chapter II of Title 24 be amended as follows:

**PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE**

**Subpart B—Contract Rights and Obligations**

1. The table of contents to Part 207 is amended to add a reference to a new § 207.252c and designated Mortgagee's late charge.

2. A new § 207.252c is added to read as follows:

**§ 207.252c Mortgagee's late charge.**

Mortgage insurance premiums which are paid to the Commissioner more than 15 days after the billing date or due date, whichever is later, shall include a late charge of 4 percent of the amount of the payment due.

**PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS**

**Subpart D—Contract Rights and Obligations—Projects**

1. The table of contents to Part 220 is amended to add a reference to a new

§ 220.804a and designated Mortgagee's late charge.

2. A new § 220.804a is added to read as follows:

**§ 220.804a Mortgagee's late charge.**

Mortgage insurance premiums which are paid to the Commissioner more than 15 days after the billing date or due date, whichever is later, shall include a late charge of 4 percent of the amount of the payment due.

**PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE**

**Subpart D—Contract Rights and Obligations**

1. The table of contents to Part 232 is amended to add a reference to a new § 232.805b and designated Mortgagee's late charge.

2. A new § 232.805b is added to read as follows:

**§ 232.805b Mortgagee's late charge.**

Mortgage insurance premiums which are paid to the Commissioner more than 15 days after the billing date or due date, whichever is later, shall include a late charge of 4 percent of the amount of the payment due.

**PART 250—COINSURANCE FOR STATE HOUSING FINANCE AGENCIES**

**Subpart F—Contract Rights and Obligations**

1. The table of contents to Part 250 is amended to add a reference to a new § 250.713 and designated Late charge—payment of MIP.

2. A new § 250.713 is added to read as follows:

**§ 250.713 Late charge—payment of MIP.**

Mortgage insurance premiums which are paid to the Commissioner more than 15 days after the billing date or due date, whichever is later, shall include a late charge of 4 percent of the amount of the payment due.

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., April 11, 1978.

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

[FR Doc. 78-10547 Filed 4-18-78; 8:45 am]

[6560-01]

**ENVIRONMENTAL PROTECTION  
AGENCY**

[40 CFR Part 52]

[FRL 885-1]

**APPROVAL AND PROMULGATION OF  
IMPLEMENTATION PLANS**

Revisions to the Bay Area Air Pollution Control District's Rules and Regulations in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the Bay Area Air Pollution Control District's (APCD) rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board for the purpose of revising the California State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATE: Comments may be submitted on or before May 19, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105.

Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX office at the above address at the following locations: Bay Area Air Pollution Control District, 939 Ellis Street, San Francisco, Calif. 94109; California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, Calif. 95814; or Public Information Reference Unit, Room 2922, EPA Library, 401 M Street SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:**

David R. Souten, Chief, California SIP Section, EPA, Region IX, 415-556-7288.

**SUPPLEMENTARY INFORMATION:** The California Air Resources Board submitted the following rules and regulations on October 13, 1977:

**REGULATION 1**

Section 3121—Wildlife Management.

**REGULATION 2**

Sections 1317 to 1317.9—Permit Fees.  
Sections 3210.5 to 3210.11—Continuous Emission Monitoring.

The October 13, 1977 submittal also contained regulations concerning new

source review and vapor recovery. These regulations will be considered in separate FEDERAL REGISTER actions.

Pursuant to Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before May 19, 1978, will be considered. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

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

Dated: March 20, 1978.

SHEILA M. PRINDIVILLE,  
Acting Regional Administrator.

[FR Doc. 78-10606 Filed 4-18-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 885-2]

**APPROVAL AND PROMULGATION OF  
IMPLEMENTATION PLANS**

Revisions to the Stanislaus County Air Pollution Control District's Rules and Regulations in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the Stanislaus County Air Pollution Control District's (APCD) rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board for the purpose of revising the California State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATE: Comments may be submitted on or before May 19, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105.

Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX office at the above address

and at the following locations: Stanislaus County Air Pollution Control District, 1050 North Carpenter Road, Suite J, Modesto, Calif. 95351; California Air Resources Board, 1102 Q Street, P.O. 2815, Sacramento, Calif. 95814; or Public Information Reference Unit, Room 2922, EPA Library, 401 M Street SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:**

David R. Souten, Chief, California SIP Section, EPA, Region IX, 415-556-7288.

**SUPPLEMENTARY INFORMATION:** The California Air Resources Board submitted the following rules and regulations on November 4, 1977:

**Rule**

- 103 Confidential Information.
- 103.1 Inspection of Public Records.
- 108 Source Monitoring.
- 411.1 Gasoline Transfer into Vehicle Fuel Tanks.

In addition, regulations were submitted concerning emergency episodes. These regulations will be considered in separate FEDERAL REGISTER actions.

The State also submitted regulations concerning New Source Performance Standards (NSPS) on November 4, 1977. These NSPS regulations implement sections 111 and 112 of the Clean Air Act, and are not appropriate for inclusion in a State Implementation Plan under section 110 of the Act. Therefore, these regulations will be neither approved nor disapproved by EPA as part of an applicable implementation plan. They were, however, reviewed under the appropriate provisions of sections 111 and 112, and delegation of authority to implement and enforce the NSPS regulations was made to the State on behalf of Stanislaus County APCD on November 23, 1977. The FEDERAL REGISTER Notice for this delegation of authority will be published in the near future.

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before May 19, 1978, will be considered. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

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

Dated: March 22, 1978.

SHEILA M. PRINDIVILLE,  
*Acting Regional Administrator.*

[FR Doc. 78-10607 Filed 4-18-78; 8:45 am]

[6560-01]

[40 CFR Part 162]

[FRL 883-7; OPP-250009]

**PESTICIDE PROGRAMS, GUIDELINES FOR REGISTERING PESTICIDES IN THE UNITED STATES**

Notification of the Secretary of Agriculture of a Proposed Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of proposed regulation.

SUMMARY: Notice is given under section 25(a)(2)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, that the Administrator, EPA, has forwarded to the Secretary of the U.S. Department of Agriculture a copy of EPA's proposed regulation to implement section 3(c)(2) of FIFRA, which requires the Administrator to publish guidelines specifying the kinds of information which will be required to support the registration of a pesticide. Subpart F, entitled Hazard Evaluation: Humans and Domestic Animals, is the portion of the guidelines involved.

FOR FURTHER INFORMATION CONTACT:

William Preston, Criteria and Evaluation Division (WH-568), Office of Pesticide Programs, EPA, Washington, D.C. 20460, 703-557-7351.

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(A) of FIFRA requires that the Administrator shall provide the Secretary of Agriculture a copy of any proposed regulation at least 60 days prior to signing it for publication in the FEDERAL REGISTER. If the Secretary comments in writing regarding the proposed regulation within 30 days after receiving it, the Administrator shall publish in the FEDERAL REGISTER (with the proposed regulation) the comments of the Secretary, and the response thereto of the Administrator. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign such regulation for publication in the FEDERAL REGISTER any time after such 30-day period.

Pursuant to FIFRA section 25(a)(3), a copy of this proposed regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate. The section 3(c)(2) proposed regulation will also be submitted to the FIFRA Scien-

tific Advisory Panel, as required by section 25(d).

(Sec. 25, Federal Insecticide, Fungicide, and Rodenticide Act, as amended Pub. L. 92-516; 89 Stat. 973; Pub. L. 94-140, 89 Stat. 751 (7 U.S.C. 136 et seq).)

Dated: April 11, 1978.

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

[FR Doc. 78-10487 Filed 4-18-78; 8:45 am]

[6560-01]

[40 CFR Part 413]

[FRL 882-4]

**ELECTROPLATING POINT SOURCE CATEGORY PRETREATMENT STANDARDS FOR EXISTING SOURCES**

Availability of Document and Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Availability of document and extension of comment period.

SUMMARY: On February 14, 1978, the Environmental Protection Agency proposed regulations which establish pretreatment standards for pollutants introduced to publicly owned treatment works from existing source electroplating operations (43 FR 6560). The Agency encouraged public participation in the rulemaking and stated that it would consider all comments received not later than April 17, 1978. In order to assist in the development of comments on the proposed regulation the Agency called attention to a document entitled "Development Document for Proposed Existing Source Pretreatment Standards for the Electroplating Point Source Category" which it intended to make available for public distribution in late February. Unfortunately, public availability of this document has been delayed. However, the "Development Document for Proposed Existing Source Pretreatment Standards for the Electroplating Point Source Category" is now available upon request from the Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Attention: Distribution Officer, WH-552. Copies will be sent to all persons who have previously requested the document. In order to insure the fullest possible opportunity for public comment the comment period is hereby extended and all comments received not later than sixty days from the date of this notice will be considered.

DATE: Comments must be received on or before June 19, 1978.

ADDRESS: Written comments may be submitted in triplicate to the Environ-

mental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Attention: Distribution Officer, WH-552.

FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Effluent Guidelines Division, (WH-552), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-426-2560.

Dated: April 7, 1978.

THOMAS C. JORLING,  
*Assistant Administrator for  
Water and Hazardous Materials.*

[FR Doc. 78-10541 Filed 4-18-78; 8:45 am]

[4310-10]

**DEPARTMENT OF THE INTERIOR**

Office of the Secretary

[43 CFR Part 14]

**DEPARTMENTAL PROCEEDING**

Rulemaking Petition—Extension of Comment Period

AGENCY: Department of the Interior.

ACTION: Extension of time for comments on rulemaking petition.

SUMMARY: On March 24, 1978, the Department of the Interior published in the FEDERAL REGISTER (43 FR 12339-12345) a rulemaking petition filed by the Council of the Southern Mountains seeking adoption of procedures for the payment of expenses of participants in Departmental proceedings who represent a point of view not otherwise adequately represented are financially unable to sustain the costs of participation. Members of the public were asked to comment on the petition by April 15, 1978. In order to provide additional time for public comment, the comment period on the petition is extended April 26, 1978.

DATES: Comments are due on or before April 26, 1978.

ADDRESS: Send comments to the Acting Assistant Solicitor—General Legal Services, Office of the Solicitor, Room 6525, U.S. Department of the Interior, Washington, D.C. 20240. Comments may be inspected at the same address.

FOR FURTHER INFORMATION CONTACT:

John D. Trezise, 202-343-5216.

Dated: April 14, 1978.

FREDERICK N. FERGUSON,  
*Acting Solicitor.*

[FR Doc. 78-10610 Filed 4-18-78; 8:45 am]

[7555-01]

**NATIONAL SCIENCE FOUNDATION**

[45CFR Part 614]

**NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE****Proposed Rules**

**AGENCY:** National Science Foundation.

**ACTION:** Proposed rules.

**SUMMARY:** These rules are proposed to implement Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, with regard to federal financial assistance administered by the National Science Foundation. Section 504 provides that "no otherwise qualified handicapped individual in the United States \* \* \* shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." The rules, which would apply to all recipients of federal assistance from NSF, are intended to ensure that their Federally assisted programs and activities are operated without discrimination on the basis of handicap. The proposed rules define and forbid acts of discrimination against qualified handicapped persons in employment and in the operation of programs and activities receiving assistance from NSF. As employers, recipients must make reasonable accommodation to the handicaps of applicants and employees unless the accommodation would cause the employer undue hardship. As providers of services, recipients are required to make programs operated in existing facilities accessible to handicapped persons, to ensure that new facilities are constructed so as to be readily accessible to handicapped persons, and to operate their programs in a nondiscriminatory manner.

**DATE:** Comments must be received on or before July 14, 1978.

**ADDRESS:** Comments should be addressed to General Counsel, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550, Attention: Lewis E. Grotke.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Lewis E. Grotke at the above address or by telephone at 202-632-4399.

**SUPPLEMENTARY INFORMATION:**

**BACKGROUND**

Most of the institutions that receive financial assistance from the NSF also receive assistance from HEW. NSF believes that uniformity between its reg-

ulations to implement section 504 of the Rehabilitation Act and those of HEW will benefit those institutions and will facilitate the Federal system of enforcement that is required by the law. Therefore, the rules propose to incorporate by reference the provisions of the HEW rules on Nondiscrimination On the Basis of Handicap, with some modifications.

Further background on the development of the basic HEW regulations may be found in the following documents from the FEDERAL REGISTER:

On April 28, 1976, the White House published in the FEDERAL REGISTER, at 41 FR 17871, Executive Order 11914.

On June 24, 1977, HEW published in the FEDERAL REGISTER, at 41 FR 32264, its Proposed Rules to implement Executive Order 11914.

On January 13, 1977, HEW published in the FEDERAL REGISTER, at 43 FR 2132, its Final Rules to implement Executive Order 11914. These rules contain the provisions to which all Federal agencies must adhere.

On May 17, 1976, HEW published in the FEDERAL REGISTER, at 41 FR 20296, a Notice of Intent to Issue its own Proposed Rules.

On July 16, 1976, HEW published in the FEDERAL REGISTER, at 41 FR 29548, the Proposed Rules themselves.

On May 4, 1977, HEW published in the FEDERAL REGISTER, at 42 FR 22676, Final Rules (45 CFR Part 84)—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance. These are the rules NSF is proposing to adopt, with modifications, as its own.

**SUMMARY OF PROPOSED RULES**

Appended to HEW's final Rules, 45 CFR Part 84, is a section-by-section analysis that describes the basis and purpose of each section. The analysis of the HEW rules NSF proposes to adopt as NSF rules provides further guidance for NSF recipients as well.

NSF is also planning to coordinate administration and enforcement with HEW. The plan is that HEW's Office for Civil Rights will obtain a single assurance form, as required by § 84.5, for both agencies. That Office will also conduct compliance monitoring, complaint investigation, and enforcement proceedings on behalf of NSF. This will ensure consistency of treatment for recipients and obviate separate compliance staff at NSF. A similar arrangement for Civil Rights Act matters has proved efficient and successful.

Most of NSF's departures from the HEW text are technical. A few deserve further explanation.

NSF has added a paragraph (5) to the definition of "qualified handicapped person" in § 84.3(k) to give more particularized guidance with regard to educational or research programs and activities in various types of scientific facilities, which are of special importance to NSF grantees and contractors.

NSF has added a subsection (m) to § 84.3 to define "undue hardship" for the guidance of recipients.

NSF has deleted the provisions of § 84.5(c) pertaining to covenants on real property because these provisions are inapplicable to NSF activities.

NSF has deleted a requirement of § 84.46(b) that would seem to require a college or university to assure itself that employers with which it places students for employment, either directly or through an agency, are in full compliance with Subpart B of the rules. NSF believes that such a requirement would overextend the reach of its rules.

Although some provisions of the HEW regulations relate to activities that do not receive direct assistance from NSF, the scope of independent scientific research supported by NSF is so broad that such activities may on occasion receive indirect assistance from NSF. They have therefore been incorporated as well.

Although according to plan HEW will act as agent for NSF in performing many functions under these regulations, responsibility for requiring remedial action under section 84.6 and for reviewing final decisions and post-termination proceedings remains with NSF.

HEW evaluated the economic and inflationary impacts of its proposed regulation. Its evaluation is printed in the FEDERAL REGISTER at 41 FR 20312 (May 17, 1976) and has been revised and updated. The National Science Foundation foresees no economic or inflationary impacts of its proposed regulations significantly different from those HEW has already considered and thus adopts HEW's evaluation as its own.

NSF therefore proposes to add the following Part 614 to Title 45 of the Code of Federal Regulations.

Dated: April 12, 1978.

RICHARD C. ATKINSON,  
*Director,*  
National Science Foundation.

(Sec. 504, Rehabilitation Act of 1973, Pub. L. 93-122, Stat. 394 (29 U.S.C. 794); sec. 111(a), Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 88 Stat. 1619 (29 U.S.C. 706).)

**§ 614.1 Nondiscrimination on the basis of handicap.**

The regulations of the Department of Health, Education, and Welfare on Nondiscrimination on the Basis of Handicap, 45 CFR, Part 84, apply in their entirety to programs and activities receiving Federal financial assistance through the National Science Foundation, but with the following changes:

**Subpart A—General Provisions**

§ 84.2 *Application.* Substitute "NSF" for "Department of Health, Education, and Welfare."

§84.3 *Definitions.* In subsections (g) and (h) substitute "NSF" for "Department"; in subsection (k) add the following paragraph (5)

"(5) With respect to any educational or research program or activity in a scientific laboratory, in a research vessel or aircraft, at a scientific field station, or at any other research facility, a handicapped person whose participation in the program or activity can be accommodated without undue hazard to people or undue hardship to the recipient."

In subsection (j) insert "in the United States" following the term "any person"; and add the following paragraph (m):

"(m) 'Undue hardship' means real impediments or dangers to people and financial costs that greatly outweigh all likely benefits to all handicapped persons from accommodations that would have to be made."

§ 84.5 *Assurances required.* Substitute "NSF" for "Department" in paragraph (a) and delete paragraph (c).

§ 84.6 *Remedial action, voluntary action, and self-evaluation.* Substitute "Director of NSF" for "Director" wherever it appears.

§ 84.9 *Administrative requirements for small recipients.* Substitute "Director of NSF" for "Director".

**Subpart B—Employment Practices**

No changes.

**Subpart C—Program Accessibility**

No changes.

**Subpart D—Preschool, Elementary, and Secondary Education**

No changes.

**Subpart E—Postsecondary Education**

§ 84.46 *Financial and employment assistance to students.* Delete subsection (b).

**Subpart F—Health, Welfare, and Social Services**

No changes.

**Subpart G—Procedures**

§84.61 *Procedures.* Substitute the following:

"84.61 *Procedures.* The procedural provisions applicable to Title VI of the Civil Rights Act of 1964 apply to this part. These procedures are found in §§ 611.6-611.10 of this Title (45 CFR). In the event that DHEW conducts a hearing under this part on behalf of NSF, the procedures of 45 CFR Part 81 shall also apply except that the 'Review' provided in §81.106 shall be conducted by the Director of NSF instead of by the Secretary of DHEW, and the 'Post-termination Proceed-

ings' provided in §81.121 shall be conducted by the responsible official of NSF. A decision of a hearing examiner under §81.104 shall become the final decision of NSF."

[FR Doc. 78-10575 Filed 4-18-78; 8:45 am]

[6712-01]

**FEDERAL COMMUNICATIONS COMMISSION**

[47 CFR Part 68]

[Docket No. 21182; RM-2829; FCC 78-249]

**TELEPHONE EQUIPMENT REGISTRATION; SPECIFYING STANDARDS FOR AND MEANS OF CONNECTION OF TELEPHONE EQUIPMENT TO LAMP AND/OR ANNUNCIATOR FUNCTIONS OF SYSTEMS**

**Order Rejecting Proposed Rule Change**

AGENCY: Federal Communications Commission.

ACTION: Order rejecting proposed rule change.

SUMMARY: The FCC in this order declines to establish comprehensive regulatory controls under its telephone equipment registration program (Part 68 of the FCC's rules and regulations) over connections not to the telephone network, but rather to other equipment. A manufacturer of ancillary equipment to be connected to the telephone companies' key telephone systems proposed a new rule specifying this equipment-to-equipment connection. In this order, the FCC concludes that to expand the present scope of the registration program to encompass such connections would carry the danger of inhibiting innovation and design changes in telephone equipment. It encourages informal resolution of equipment-to-equipment connection issues by the equipment suppliers involved, and holds out the possibility of imposing comprehensive regulatory constraints on this field in the future if there is a pattern of arbitrary or capricious conduct, or if important telephone consumer rights are abused. No rule changes are adopted at this time.

EFFECTIVE DATE: Nonapplicable.

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

**FOR FURTHER INFORMATION CONTACT:**

Michael S. Slomin, Policy and Rules Division, Common Carrier Bureau, 202-632-9342.

**MEMORANDUM OPINION AND ORDER**

Adopted: April 6, 1978.

Released: April 13, 1978.

By the Commission: Commissioner Fogarty absent.

In the matter of amendment of Part 68 of the Commission's rules (telephone equipment registration) to specify standards for a means of connection of telephone equipment to lamp and/or annunciator functions of systems, Docket No. 21182, RM-2829, Telephone Equipment Registration File No. 371-CX-77.

1. This proceeding was initiated by a petition for rulemaking filed by Automation Electronics, Inc. ("Automation"), who sought an additional means of connecting telephone equipment registered under Part 68 of our rules to facilities furnished by the telephone companies, in this case to their key telephone systems. Automation had designed a novel "call sequencing" device to be used in conjunction with key telephone systems which expands the efficiency and utility of these key telephone systems as perceived by their users. The call sequencing device keeps track of incoming telephone calls, delivers a message to the caller indicating that his call will be answered in turn, and signals the key telephone system user to answer the queued incoming calls in their order of arrival.<sup>1</sup>

2. The problem posed by Automation's design was that in order to operate with the key telephone systems it required an electrical connection which was not previously contemplated by us in our various telephone equipment proceedings, e.g., Dockets 19528 and 20774. Automation's equipment requires a connection to the electrical circuits of the telephone companies' key telephone systems (the lamp functions) in addition to the telephone network connections which we have previously considered. On the other hand, Automation's equipment had been connected to the carriers' key telephone systems in California, pursuant to the California Public Utilities Commission's intrastate equipment evaluation program, using a variant of plugs and jacks currently specified in our rules, apparently without harm.

3. We began this proceeding by notice of proposed rulemaking, 63 FCC 2d 1140 (1977), 42 FR 20315 (April 19, 1977) to consider the public interest issues raised by Automation's design and its petition. Automation's petition was narrowly focused on merely adding another plug/jack configuration to our rules (the same configuration which was then in use for its equipment in California). Our notice, however, analyzed the more basic issues of whether or not this type of electrical connection—connection of ancillary equipment to other terminal equipment's system functions, rather

<sup>1</sup>See *Automation Electronics, Inc.*, 63 FCC 2d 940, 947 (1977) for a description of the device's operation. See also 42 FR 28559, June 3, 1977.

than to tip/ring telephone network connections—should be encompassed within our registration program, and invited comment thereupon. The inquiry established by the notice was limited to so-called system protocol paths, electrical signals on systems (e.g., key telephone systems and private branch exchange systems) which make the tip/ring telephone connections more useful.

4. The specific issues on which we requested comments were:

(a) To what extent shall parallel connections to lamp and annunciator leads of systems be permitted under Part 68 of our rules?

(b) To what extent shall series connections to lamp and annunciator leads of systems be permitted under Part 68 of our rules?

(c) What technical standards, if any, are required to prevent interference to system operation if we were to permit series and/or parallel connections to lamp and annunciator leads of systems? To what extent does the user of such a system assume the risk of any such interference which theoretically might occur?

(d) What technical standards, if any, in addition to those currently contained in Subpart D of Part 68 of our rules are required to prevent violations of these rules, should we decide to permit series and/or parallel connections to lamp and annunciator leads of systems?

(e) What jacks, plugs, connectors, and means of connection shall be specified in Part 68 of our rules for each of parallel and series connections to lamp and/or annunciator leads of systems?

We also gave specific notice that a possible outcome of this proceeding might be adoption of the form of connection proposed by Automation and in use in California, and we described this form of connection. In setting issues for this proceeding, we did not confine the inquiry solely to questions concerning system lamp functions, as raised by Automation's petition. We acknowledged that similar questions are raised by connections to "annunciator" functions derived by such systems from signals on the telephone network connections, and requested comments on such connection as well.<sup>2</sup>

#### COMMENTS

5. Timely comments were filed by: Access Communications Corp., American Telephone & Telegraph Co. ("AT&T"), Automation Electronics, Inc., Communication Certification Laboratory, Gaines M. Crook & Associates, GTE Service Corp., Exxon En-

terprises, Inc., and North American Telephone Association. Reply comments were filed by: AT&T Automation, Communication Certification Laboratory and GTE Service Corp. On July 14, 1977, the Chief of the Common Carrier Bureau received a letter from Telephonic Equipment Corp. describing a use for the blind of the type of connection under inquiry in this proceeding; that letter was associated with the docket file herein and made available for public comment on July 25, 1977. On July 28, 1977, AT&T filed supplemental comments accompanied by a request to accept these otherwise unauthorized further comments. Finally, on August 5, 1977, Communication Certification Laboratory filed a pleading in full support of AT&T's supplemental comments.<sup>3</sup>

6. In addition to the formal proceedings underway in this docket, informal industry action was also underway to consider connection of one supplier's ancillary equipment to the system functions of another supplier's terminal equipment. The Electronic Industries Association ("EIA"), a trade association of manufacturers of electronics equipment including both telephone company-affiliated and nontelephone-company affiliated entities as members, has convened technical meetings under the designation "EIA Engineering Committee TR 41.5" to allow the affected industry an opportunity to work out the complex technical issues raised by this proceeding in a less formal, nonadversarial forum. By letter dated October 12, 1977, the EIA informed us of the pendency of this activity and of its progress, and indicated that the end result thereof would be made available to the FCC for formal consideration. This letter was associated with the docket file herein.

7. The comments which we have received have generally supported three propositions: (1) The issues of equipment-to-equipment connection are very complex, involving individual value judgments concerning the equipment to be connected to existing equipment, and the design of the existing equipment. In some cases it would be virtually impossible, as a practical matter, to integrate another manufacturer's equipment with the existing equipment's design; in other cases such integration would be relatively simple. (2) These issues must be debated by the industry itself informally as the adversarial commenting process is ill-adapted to the give and take necessary to arrive at pragmatically workable requirements. (3) No party was opposed, in principle, to

achieving the specific form of equipment-to-equipment connection contemplated by Automation's application.

8. Where the comments part company is over broad issues involved in equipment-to-equipment connection. AT&T, for example, notes that there was no hint in the past that the registration program anticipated that customers might take one-half of one supplier's equipment and connect it with another supplier's equipment, nor did the Commission contemplate that one supplier might have to redesign its equipment, often in the field, so that it could accommodate a previously unanticipated addition of another supplier's add-on parts or substitute components. AT&T and GTE foresee virtually unlimited proceedings such as this one if we allow for unlimited equipment-to-equipment connections as a matter of consumer right under our rules. To allow for this, our technical standards might have to be modified each time a previously unanticipated connection is required, and our rules specifying connectors and electrical connections thereto will have to be modified to specify new means of making the previously unanticipated connections. Moreover, both foresee difficult problems in assessing responsibility for equipment performance which would be caused by a lack of a definitive interface and divided responsibility in such an environment.

#### DISCUSSION

9. Before we reach the issues before us for resolution herein, it is important to place them in their proper historical perspective. Prior to our 1968 *Carterfone* decision,<sup>4</sup> consumers were generally denied the right to use any equipment or communications systems with their telephone service, unless supplied by the local telephone company, because of then-effective blanket tariff prohibitions. This practice had the dual effects of limiting consumers in their ability to optimize their communications efficiency, and of stifling innovation by telephone equipment suppliers. Moreover, because of a pattern of equipment supply to the telephone companies by affiliated equipment manufacturers, new entry in the equipment markets was limited.

10. In the *Carterfone* case, the Commission concluded that the blanket tariff prohibition on the use of equipment provided by other than the local telephone company could not lawfully be sustained. More specifically, we held that consumers have the right to use their own premises terminal equipment and communications systems

<sup>2</sup>"Annunciators" are indicating devices which tell the user that ringing is present. They include ringers, bells, buzzers, and visual devices.

<sup>3</sup>We hereby grant AT&T's request, and we are additionally accepting CCL's response to these comments.

<sup>4</sup>*Carterfone*, 13 FCC 2d 420, reconsideration denied, 14 FCC 2d 571 (1968).

with the carriers' telephone facilities, and we ordered the telephone companies to cure their legally insufficient pre-Carterfone tariffs. The carriers responded by allowing other equipment to be used, but only through protective apparatus furnished by the telephone companies ("connecting arrangements").

11. In Docket No. 19528, we explored the issues surrounding the carriers' requirement that customer-provided equipment be connected to the telephone network through the "connecting arrangements", and concluded that such protective apparatus was unnecessary in each case where the equipment involved in fact is properly designed. We adopted a telephone equipment registration program in Part 68 of our rules defining standards for nonharmful equipment design, and procedures whereby an applicant can demonstrate compliance with these standards. In adopting this regulatory program, we stressed that we were doing so to stimulate product innovation and to preserve equipment design flexibility. Moreover, we adopted the minimum regulatory program possible which would assure adequate protection of the telephone network, to minimize regulatory interference with such product innovation and the equipment design process. Finally, we have encouraged informal industry-wide cooperation in the resolution of interconnection issues to even further minimize regulatory interference with equipment design.

12. At this juncture, we are asked to expand the scope of the registration program and inject regulatory constraints and procedures into an area which heretofore has only indirectly and minimally been effected by the telephone equipment registration program. We are asked now to regulate not only the direct connection of equipment and systems to the telephone network itself, but also the connection of additional equipment to equipments which are directly connected to the telephone network. The existing registration program does not directly address these additional equipment-to-equipment connections (as opposed to equipment-to-network connections), but leaves them to be worked out by the various equipment suppliers and manufacturers. All that the existing program requires is that equipment which is directly connected to the telephone network not be rendered harmful if another piece of equipment is connected to it. Consistent with this approach, we allow for registration of systems which are formed by combining and connecting together separately-housed entities ("components") so long as it is satisfactorily demonstrated to us that the combination, as a whole, meets our requirements at the interface to the

telephone network (the direct connection which is within the scope of the existing registration program).

13. This regulatory approach is most basically expressed in §68.1 of our rules, 47 CFR 68.1:

Section 68.1 *Purpose.* The purpose of the Rules and Regulations in this part is to provide for uniform standards for the protection of the telephone network from harms caused by the connection of terminal equipment thereto. [Emphasis added.]

Thus, the registration program is directed to the harmless connection of equipment to "the telephone network", and not to the connection of equipment to other terminal equipment which is already connected to the telephone network.<sup>5</sup>

14. It should be noted that once a connection falls within the scope of the regulatory program of Part 68 of our rules, the requirement of "uniform" standards in §68.1 operates to require that we specify the means of effectuating such a connection.<sup>6</sup> A connection within the scope of Part 68 is currently required to be implemented using FCC-specified standard plugs and jacks (sockets), and a consumer acquires the right of installing and connecting equipment using such means. By specifying these connections, the registration process forecloses flexibility, because it requires that equipment be designed and manufactured for use with the FCC-specified means, and no others.

15. As expressed in section 68.1, we have decided that adoption of means of connecting equipment to the telephone network (as opposed to means of connecting equipment to other equipment) is neither burdensome nor unworkable. The telephone network's characteristics are stable and known, and because of massive numbers of existing equipments and plant which depend for their operation on these characteristics, any changes in the telephone network's characteristics will occur gradually, if at all. No changes are required in the telephone network's characteristics or in its operation when FCC-registered equipment is connected thereto using FCC-specified standard means.

16. However, these factors simply do not obtain in the case of equipment-to-equipment connections. Because of constant technological change and product innovation, there is no design stability constraints here would seriously impede equipment manufacturers' ability to innovate, as it would "freeze" equipment designs to those which accommodate any standard interfaces to other equipments which we might adopt.

<sup>5</sup>Section 68.2, "Scope", also is directed to "the direct connection of all terminal equipment to the telephone network" (emphasis added).

<sup>6</sup>See also §68.104.

17. Automation's equipment exemplifies this. Automation is asking that we specify and equipment-to-equipment connection between its equipment (a call sequencer) and key telephone systems furnished by others, without further distinction. The comments, however, indicates that there are various existing key telephone system designs in use, some of which can accommodate Automation's equipment with relative ease, and some of which are intrinsically incompatible with Automation's call sequencer design. For example, the original key telephone system design (the "1A" system) which was used primarily in the 1940's and 1950's but which is still in use often did not have the lamp functions to which Automation is seeking a connection. The next two generic systems (the "1A1" and "1A2" systems) which were used in the 1960's and 1970's and which are still in use did have such lamp functions, but later designs of these systems are fabricated in a manner which makes it somewhat awkward to achieve the connections required by Automation's equipment.<sup>7</sup> Finally, the more recent of AT&T's key telephone systems (the "COMKEY" and "Dimension Custom Telephone Service" systems) would have to be extensively redesigned to accommodate Automation's equipment; in the case of the latter of these, which implements lamp functions digitally, the type of signals contemplated by Automation's equipment design do not exist. Thus, as a practical matter, Automation's equipment cannot reasonably be connected to several existing key telephone systems of which we are aware. And this does not begin to reach existing systems of which we are not currently aware, not future designs. It may be that future designs for reasons of efficiency will follow AT&T's approach of dispensing entirely with the type of functions contemplated by Automation's call sequencing equipment (as is the case of the "Dimension" equipment). What we do know is that absent any new regulatory constraints, equipment design decisions of this nature will be determined by technological evolution and the economics of the Marketplace. On the other hand, if we were to directly regulate this field we would force the future course of equipment design; in the Automation example, we would force, perhaps unnecessarily, all future key telephone systems to be de-

<sup>7</sup>Recent vintages of these systems use backplane wiring. In order to achieve the type of series connection contemplated by Automation's equipment, multiple wires would have to be removed from their intended backplane pins and placed on extra pins. This operation may or may not be accomplished readily, and would depend on such factors as the availability of such extra pins, and the skill of the installers.

signed with the older form of system lamp functions.

18. Our current approach to allowing for the use of add-on or substitute components with existing systems places the determination of suitability and practicability in the hands of the entities most qualified to make such determinations—the suppliers of the respective equipments. Ancillary devices such as Automation's are not excluded by the registration program, but accommodation of such devices during the equipment design process is not mandated either, as would be the case if we were to adopt a rule such as that proposed by Automation herein. The subject of equipment-to-equipment connections which are independent of tip/ring telephone network connections (and other connections required to make the tip/ring connections usable, e.g., "A/A1") is a matter to be resolved among equipment suppliers.

19. While we are concerned that telephone companies who provide terminal equipment (and who are subject to our regulatory jurisdiction on grounds other than Part 68 of our rules) not adopt arbitrary or capricious barriers to the use of ancillary equipment such as Automation's, we do not consider the specific arrangements whereby such connections might be effectuated—where reasonable and practical—to be a matter initially requiring regulatory intervention. Moreover, this is a matter which would also involve connection to equipments provided by suppliers wholly outside our jurisdiction except as regards protection of the telephone network, and network protection is not explicitly involved here.

20. In view of these considerations, we are declining to adopt any rule changes at this time bearing on equipment-to-equipment connection. We are maintaining the present scope of the registration program unexpanded, limited to protection of the telephone network connections (and connections which are required to make the network connections usable) as expressed in § 68.1 of our rules. It is our intention to monitor this field to assure that equipment suppliers subject to our broad Title II jurisdiction<sup>9</sup> do not arbitrarily or capriciously abridge important telephone consumer rights because of our forbearance to adopt a comprehensive regulatory program at this time, and if necessary we will revisit this field in the future if there is a pattern of abuse. But except as a remedy for abuse of consumer rights, we will not impose the regulatory interference with equipment design and product innovation which necessarily would flow from an extension of the

scope of the program to equipment-to-equipment connections.<sup>9</sup>

21. It is not our intent to foreclose the various informal procedures whereby manufacturers can accommodate one another's add-on products (where appropriate). AT&T's historic treatment of other suppliers' operators headsets provides one model for dealing with these issues. EIA standardization of data interfaces provides another. We regard these issues as ones to be addressed by the respective suppliers, and the industry as a whole, and we trust that it is to the industry's benefit to informally resolve such issues expeditiously.<sup>10</sup> In view of the

<sup>9</sup>Our forbearance to impose a comprehensive regulatory program over equipment-to-equipment connections is consistent with treatment of similar problems which have arisen over equipment-to-equipment connection specifications in the past. For example, although the "connecting arrangements" (which were directly connected to the telephone network) were tariffed before the FCC in the post-Carterfone time period, the exact specifications of the interface between the "connecting arrangements" and terminal equipment were not subjected to the regulatory process. They were arrived at through informal discussions between terminal equipment suppliers and suppliers of the "connecting arrangements." We served as a forum for resolving any disputes which arose concerning such equipment-to-equipment connections, but we did not comprehensively regulate the parameters of these connections.

Similarly, data equipment is often connected to datasets (also called "MODEMS") provided by the telephone companies, and the datasets in turn are directly connected to the telephone network. The data equipment suppliers and dataset suppliers initially negotiated appropriate connectors and standard interfaces for the equipment-to-equipment connection of the data equipment to the datasets without regulatory involvement. Later, the entire industry voluntarily standardized these interfaces, through EIA standard RS-232, without regulatory involvement.

Finally, an area directly analogous to the issues involved in this proceeding has been the treatment of customer-provided operators' headsets by the telephone companies. These headsets are not connected directly to the telephone network, but rather are connected to telephones (or their equivalent) as an equipment-to-equipment connection. Since certain faults in the design of the headsets could have rendered the otherwise benign telephones harmful by this connection, AT&T adopted a headset evaluation program quite similar to our more general registration program to assure that such potentially possible harm does not occur. In essence, AT&T adopted procedures (on behalf of all telephone companies) to assure the continued non-harmful nature of its telephones even when another supplier's equipment (the headsets) was connected thereto through an equipment-to-equipment connection. Here too, we did not specify the parameters of such connections.

<sup>10</sup>We note additionally that the EIA has provided an informal forum for industry-wide resolution of equipment-to-equipment

antitrust and regulatory constraints on carriers arbitrarily denying other suppliers the option of having their equipment used with the carriers' systems, we do not anticipate problems arising from our present forbearance to expand the scope of the registration program and impose a comprehensive regulatory program over this field. Not only do the majority of comments in this proceeding make the point that the adversarial commenting process is ill-adapted to the give and take necessary to resolve these technologically complex issues, but our own experience in this and analogous areas convinces us that such is the case. To inject a comprehensive regulatory program into this area now would be to grant a remedy to potential abuse in advance of such abuse. And, at a price of potentially limiting equipment design flexibility and innovation, two of the basic goals underlying our adoption of the registration program itself.

22. Because the issues concerning equipment-to-equipment connection are intimately related to our treatment of components within our rules, we will clarify our approach to the treatment of components in light of the foregoing.

#### COMPONENTS

23. As was previously stated, we do not register system components as such under Part 68 of our rules. We register assemblies (combinations) of components which, if configured and connected together (by whatever means the manufacturers choose) can operate when connected to the telephone network using a telephone network interface specified in our rules. Thus, a telephone is registerable because it can operate with a telephone line. A simple switch, which might be used to disconnect a telephone, is not registerable of itself because it cannot function when connected to the telephone network; it requires a telephone in addition to the switch to function, and therefore the combination of the switch and a telephone is registerable.

24. Under this assembly approach, the registrant of the combination or assembly is required to assume responsibility for the compliance of the entire system to our Part 68 requirements, at the FCC/specified telephone network interface. In those cases where components manufactured by different manufacturers are configured together to form such a system, one entity is therefore required to assume responsibility for another entity's products. We can foresee how a manufacturer would not wish to jeopardize the validity of registration of its own products by accepting responsibility for the practices of another manu-

<sup>9</sup>Title II of the Communications Act of 1934, as amended.

connection issues through its TR 41.5 committee activity.

facturer, largely outside of its control. Nevertheless, this tends to be the result of our current rules.

25. We wish to make it clear that this is not a novel problem in industry in general, nor specifically in the telephone equipment field. Except in the uncommon case of products which are manufactured by broadly integrated entities, virtually all electronics and telephone products are fabricated by assembling components made by others. These components tend to be of limited function (e.g., resistors and capacitors) and are not normally thought of as sub-assemblies. However, such "simple" components pose the same problems regarding continued protection of the telephone network as are posed by what might be thought of as more "complex" components. We are not going to attempt to distinguish "simple" and "complex" components; that distinction is normally established by the purchasing and quality assurance/quality control activities of manufacturing entities who do not choose to manufacture and fabricate every piece of hardware which goes into their end products. We trust that the industry will be able to arrive at suitable procedures whereby responsibilities will pragmatically and reasonably be assigned as components move from "simple" to more "complex."

26. Moreover, certain components are themselves registerable. For example, telephones used with PBX systems in general can operate when connected directly to the telephone network, without intervening PBX common equipment. Such instruments are therefore themselves registerable and can be used by the assembler of the entire PBX system without jeopardizing the registration grant covering the common equipment. In essence, FCC registration of the telephones would relieve the assembler of responsibility for the telephones.

27. In addition, even if the manufacturer of a potential host system for some reason chooses not to allow the integration of another manufacturer's subassembly or component with that system, use of the subassembly or component is not thereby fully foreclosed. Not only the manufacturer of equipment is permitted to register it under our rules. An assembler is also permitted to independently register devices, even if they already are registered in another configuration. Thus, the subassembly or component manufacturer has the option of himself registering the combination of his equipment with the host system. The "bootstrap" provisions of § 68.200(g) would aid in this subsequent reregistration of the new combination, as the new registrant would only have to evaluate the changes, if any, which would be occasioned by connection of the previous-

ly-uncontemplated new component or subassembly to the existing host system.

28. This option is available and usable in those cases where the customer owns the host system or equipment. Unless limited by our rules, the customer has the right of having modifications made to his equipment if necessary to accommodate an additional subassembly or component. However, this option as a practical matter is not available in those cases where the customer is leasing existing equipment from another. In general, unless the lessor has granted the lessee the right to make modifications, only the lessor would have this right. It is our expectation that carriers subject to our jurisdiction (who generally lease equipment) will not arbitrarily deny customers the benefits of using (and of having connected) innovative components or ancillary devices with their existing systems, and that they will adopt flexible procedures whereby such connections can be effected, where feasible, at the least possible cost to the consumer. As was previously discussed, we are forbearing at this time to adopt new rules or a comprehensive regulatory program to force this result, however, if necessary we hold out the possibility of so doing in the future if there is a pattern of abuse of important consumer interest.<sup>11</sup>

#### AUTOMATION'S WAIVER

29. During the pendency of this proceeding, but after comments and replies were received, Automation requested a waiver of section 68.502 of our rules to allow it to use, pendente

<sup>11</sup>AT&T's "attestation" procedures for the connection of operators' headsets manufactured by others to its telephones are instructive as one possible solution to these problems. They demonstrate a means whereby the host system registrant can reasonably shift responsibility for the component back to its manufacturer, notwithstanding our assembly approach to registration. In addition, they demonstrate that consumers can themselves be permitted to actually make the new connection, so long as relatively fail-safe means—not necessarily specified in our rules—are provided for this purpose. (The headsets use jacks and plugs long standard in the telephone industry, although they are not specified in our rules as a standard telephone network interface.) We see no reason why similar procedures might not be adopted in any case where one equipment manufacturer wishes to allow for connection of a new component by the untrained. Plugs and jacks as interface means also allow for simple ascertainment of fault in the event of a malfunction. Once again, we are not injecting comprehensive regulatory controls into this area by specific evaluation procedures, or the use of specific interface means. These are matters which are best addressed by individual equipment supplier and manufacturers, or by the industry as a whole, informally.

lite, the same plugs and jacks which it was using in California, and which were the subject of the petition for rulemaking which initiated this proceeding. In support of this request, Automation noted that the parties herein had not opposed in principle the use of Automation's specific equipment, but had focused their comments on the broader issues of equipment-to-equipment connection. Automation argued that the broadness of these parties' concern was underscored both by their comments urging the use of broad, informal, industry-wide conferences to determine the needs of equipment manufacturers other than Automation, and by the convening of such meetings under the auspices of the EIA.

30. In response to Automation's request for the waiver, AT&T filed supplemental comments in this proceeding which generally did not oppose it, although these comments requested that any such waiver be made applicable to those key telephone systems which, as a practical matter, could not be used in conjunction with Automation's equipment (the "COMKEY" and "Dimension" systems). EIA, at the same time, submitted its letter indicating that informal industrywide conferences were underway, and that the results thereof would be made available to the Commission in the future.

31. The Chief of the Common Carrier Bureau, under delegated authority, granted Automation's request subject to certain conditions. One of these conditions was that the waiver would expire automatically with the termination of the Docket No. 21182 proceeding herein. The waiver was granted because of Automation's unique circumstances: (1) The equipment and connections involved had been the subject of specific comments which did not oppose its use, and (2) the equipment had been used and connected to the telephone network (indirectly) in California without harm for approximately one year.

32. In view of our conclusions herein, and our specific finding that the connections which Automation's equipment requires to the lamp functions of a key telephone system are not within the scope of Part 68 of our rules, such a waiver is not warranted. We have carefully reviewed the comments in this proceeding, and have concluded that we will not impose comprehensive regulation at this time over equipment-to-equipment connections such as the ones required by Automation's equipment, although we have reserved the right to do so over our regulatees should they arbitrarily or capriciously abridge consumer rights. Accordingly, we are allowing Automations's waiver to terminate by operating of law.<sup>12</sup>

<sup>12</sup>Our conclusions herein determine that Automation's equipment cannot be integrated.  
Footnotes continued on next page

33. We do not by this action wish to be harsh to Automation. It has produced a product which appears to be innovative and which appears to expand the utility of an existing key telephone system if, as a practical matter, it can be used therewith. (See para. 17 above.) Moreover, through the registration process, we have already evaluated the potential of Automation's equipment for causing harm through its telephone network connections (the tip/ring and A/A1 connections) and found it acceptable. We see no reason why Automation's equipment should not therefore be used with those key telephone systems with which it is compatible.

#### CONCLUSION

34. In sum, therefore, we are adopting a regulatory approach to this entire area which we hope will foster innovation while allowing for equipment design flexibility. We have carefully balanced the equities herein between potential and existing smaller manufacturers of innovative components, on the one hand, and our larger responsibilities for assuring continued network protection without disrupting the equipment design process through over-regulation, on the other. We have adopted a regulatory approach which we expect will allow for innovative products to be used in those circumstances where they can be used, as a practical matter, without disrupting another manufacturer's design processes. We have also recognized that manufacturers and suppliers may, for competitive reasons, arbitrarily deny other manufacturers the right of having their innovative components integrated with the first manufacturer's (or supplier's) system. We trust that the marketplace will largely take care of any potential abuses which might occur because our program is flexible enough to allow others to re-register existing registered equipments. Moreover, where our own regulatees are concerned, because of the special problems posed by their present practice of not selling but rather leasing equipment, we will if necessary exercise our regulatory jurisdiction. We feel at this time, however, it would be premature to do so. AT&T's supplemental comments in this proceeding demonstrate to us that the telephone companies will be willing to adapt their internal procedures to accommodate other entities' previously un contemplated innovative components where it is practical for them to do so.

Footnotes continued from last page  
ed with key telephone systems as of right under our rules. Of course, any such integrations which have occurred under the waiver do not affect these systems' status under our rules since the connections involved are outside the scope of these rules.

35. Accordingly, and for the reasons heretofore stated, we will make no rule modifications at this time, and therefore this proceeding is terminated. This has the effect of revoking by operation of law the waiver extended by the Chief of the Common Carrier Bureau to Automation Electronics, Inc., of \$68,502 of our rules, as the order by which the waiver was extended, released October 25, 1977 (mimeo No. 90617) issued the waiver on a condition subsequent providing:

This waiver expires upon the earlier of (i) completion of the proceedings in Docket No. 21182 or (ii) June 30, 1978.

and the first of these conditions is satisfied by our action herein.<sup>13</sup>

36. Therefore, *It is hereby ordered*, That this proceeding is terminated.

FEDERAL COMMUNICATIONS  
COMMISSION,  
WILLIAM J. TRICARICO,  
Secretary.

(FR Doc. 78-10485 Filed 4-18-78; 8:45 am)

#### [4310-55]

#### DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

#### ENDANGERED AND THREATENED WILDLIFE AND PLANTS

#### Proposed Endangered Status for 25 Foreign Species of Mammals and Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes that 24 foreign mammals and one foreign bird be listed an Endangered species. Data upon which the mammals are proposed were obtained from the International Union for the Conservation of Nature and Natural Resources Red Data Book (1972 edition) and from Miss Jane Thornback of the Fauna Preservation Society who is reviewing the Red Data Book for a new edition. The proposal of the bird is based upon data provided by Holly A. J. Nichols and Warren King. This rule would provide additional protection needed for these species.

DATE: Comments from the general public and from the appropriate governmental authorities of the countries in which these species are resident must be received by July 18, 1978.

<sup>13</sup>Automation Electronics, Inc., accepted the waiver subject to the quoted condition (as well as several other conditions not here pertinent) and is therefore bound thereby. Our allowing the waiver to terminate by operation of law is not an oversight; as we discussed earlier, in view of our conclusions in this proceeding, the waiver is no longer warranted.

ADDRESS: Submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 1100, 1612 K Street NW., Washington, D.C. 20240.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

#### SUPPLEMENTARY INFORMATION:

#### BACKGROUND

The present proposal would determine 24 foreign species of mammals and one foreign bird to be Endangered pursuant to the Endangered Species Act of 1973. The mammal species are all classified as Endangered in the 1972 edition of the IUCN's Red Data Book, and are recognized as Endangered by Miss Jane Thornback who is revising that book for a new edition. Holly A. J. Nichols, an expert on West Indian parrots, and Warren King, of the International Council for Bird Preservation, have provided the data on the bird, the red-necked Amazon parrot, the species, their general former distribution, and the threats they face are the following:

1. Ryukyu rabbit, *Pentalagus furnesi*. (Ryukyu islands of Amami Oshima and Toku-no-Shima). The species has a very restricted range and limited habitat. It is Endangered from loss of habitat and predation by feral dogs. In 1964, the population estimate was between 500 and 900 individuals; no later population estimates are available.

2. Simien fox, *Simia simensis*. (Ethiopia). Less than 500 individuals survive. Two races are recognized. The northern race is close to extinction; main population is in the Simien Mountains where there are about 40 individuals. The southern subspecies totals about 350 to 475 foxes in the Bale Mountains. The species is Endangered from habitat loss due to human use, and shooting because of an unjustified reputation as a sheep killer.

3. Malabar large spotted civet, *Viverra megaspila civettina*. (South India). There have been no recent sightings of this animal and there is a possibility that it is already extinct. Reasons for its decline include persecution by man and loss of habitat to agriculture. An ecological survey is urgently needed to determine if the civet still survives.

4. Fea's muntjac, *Muntiacus feae*. (Southern Burma and northern Thailand). This species has a restricted

range, and is vulnerable to hunting pressure. This pressure is undoubtedly increasing; there are armed insurgents living off the land within the range of this muntjac in Burma. In both Thailand and Burma its meat is relished and is often sold in local markets.

5. Formosan sika, *Cervus nippon taiouanus*. (Mountain of southern Taiwan). The principal cause of decline of this species is uncontrolled hunting for their meat. Sika deer trapped in the wild are still received occasionally by the animal traders in Taitung; they are sent alive to restaurants in Koohiung or Taipei. In 1967, it was estimated that only 300 of the animals survived in the wild; in all likelihood, the status has worsened since then. A captive herd of 100 to 200 sikas are maintained on Lu-tao (Green Island) where they are farmed for food.

6. Ryukyu sika, *Cervus nippon kermac*. (Ryukyu Islands). This deer was known to have occurred on numerous Kerama islands within the memory of living inhabitants. It has been extirpated now on all but the islet of Yakabi-jima and possibly on Keruma, Koba, and Aka islands. Hunting has been the principal cause of decline. Yakabi Island is 1.1 km<sup>2</sup> in area and is 217 m above sea level. Forage grasses are poor and widespread mortalities occur during years of drought. The deer population on Yakabi was estimated to number only 30 animals in 1964; in 1955 it numbered 160 animals.

7. North China sika, *Cervus nippon mandarinus*. (Shansi and doubtfully Chihli Provinces of the Peoples Republic of China). This deer's range and populations have declined drastically as a result of uncontrolled hunting and destruction of habitat for agricultural use. It is raised for food on a few farms north of Peking, but its future survival as a wild species may be in doubt.

8. Shansi sika, *Cervus nippon grassianus*. (West Shansi Province, Peoples Republic of China). This sika formerly ranged throughout the mountainous areas of West Shansi; by 1935, it was restricted to a few isolated districts in the forested and mountainous areas of Shansi which lie west of Fen Ho. Its present status and distribution are not known, but it may still occur in the wilder mountainous areas of Shansi. Like other sika, it has been overhunted for its antlers, which are believed to have medicinal properties; exceptionally high prices are paid for antlers in velvet. Habitat loss to agriculture has also played a part in its decline.

9. South China sika, *Cervus nippon kopschi*. (Yangtze Valley, Peoples Republic of China). This species' former range was more or less continuous from the Yangtze River Basin eastward to the coast and southward as

far as the north of Kangtung Province. By the 1930's, its range had contracted to a restricted area in the mountains of southern Anhui and closely adjacent northwestern Chekiang and south-eastern Kiangsi. At present, a few may survive in the Yangtze Valley. This deer has been decimated primarily as a result of hunting for its antlers for which extremely high prices are paid. In addition to being hunted with rifles, the deer are killed with set-guns, snares, and pit falls, so that all ages and sexes of animals are taken.

10. Corsican red deer, *Cervus elaphus corsicanus*. (Corsica and Sardinia). The Corsican red deer is possibly already extinct in Corsica and currently is confined to two or three localities on the southern Sardinian coast. The numbers in Sardinia are in the low hundreds. Deer populations on both islands were reduced by uncontrolled hunting which reached a peak during World War II. Poaching still takes a small toll in Sardinia and deer are occasionally killed in local boar hunts.

11. Barbary deer, *Cervus elaphus barbarus*. (Tunisia, Algeria, Morocco). This deer is now confined to a small region of cork-oak and pine forest on the Algerian-Tunisian border. The total population is about 400 animals. There has been, and continues to be, poaching of this species, and loss of great amounts of habitat has contributed to its decline.

12. Yarkand deer, *Cervus elaphus yarkandensis*. (Chinese Turkestan). The Yarkand deer formerly inhabited eastern Turkestan, along the lower courses of the Kashgar, Yarkand, and Khotan Rivers, and on the main Tarim River. Its range and numbers have been greatly reduced, almost to the point of extinction. It may still survive, however in the Tarim Basin in Chinese Turkestan. This subspecies has been overhunted for generations. As long ago as 1927, it was recognized that it was being overhunted and was approaching extinction. Habitat loss has also been a major factor in its decline.

13. Bactrian deer, *Cervus elephus bactrianus*. (Southern U.S.S.R. and northern Afghanistan). In the 19th century, the subspecies was widespread in the tugal forests of the Amu Darya and Syr Darya river basins. In northern Afghanistan, its range extended south as far as the river Kokcha. At present this deer is effectively confined to remnant groups along the middle course of the Amu Darya, the upper Amu Darya, and the Pyandzh in the U.S.S.R.; in the Hazrat-i-Bostan/Darquad area, and north of the Imam Sahib and west of Kirof Abad in Afghanistan. The total population of this deer is about 500 animals, and populations are still declining because of habitat disruption.

A major factor in the decline has also been poaching for meat, particularly in the U.S.S.R.

14. Western giant eland, *Taurotragus derbianus derbianus*. (Senegal to the Ivory Coast). This species is now almost entirely restricted to Senegal. Outside of Senegal, it is doubtful if any survive in the Ivory Coast, Gambia, or Portuguese Guinea. In Mali, they are hunted and the population is getting increasingly rare. In Senegal, there are 100 eland in Niokolo-Koba National Park; about 50 in the Faleme River area; and about 30 in Haute-Casamanu. Only in Niokolo-Koba National Park is this subspecies relatively secure. Poaching has been the principal agent in the decline, and loss of habitat is preventing recovery.

15. Jentink's duiker, *Cephalophus jentinki*. (Sierra Leone, Liberia, and the Ivory Coast). This species is now known to occur only in one part of the Tchien District of Liberia and possibly in the Ivory Coast. The total population is unlikely to exceed a few hundred individuals. It is threatened with extinction from excessive subsistence hunting and habitat disruption.

16. Tora hartebeest, *Alcelaphus buselaphus tora*. (Ethiopia, Sudan, southern Egypt). The subspecies still occupies much of its former range but has been greatly depleted numerically by excessive subsistence hunting and habitat degradation. In addition, rinderpest epidemics dealt it a serious blow in the 1890's, from which it never fully recovered. It was estimated that there were between 200 and 300 in the Sudan in 1965.

17. Swayne's hartebeest, *Alcelaphus buselaphus swaynei*. (Somalia, Ethiopia). Formerly occupied an extensive range in Somalia and Ethiopia. Now believed extinct in Somalia, and restricted to four disjunct areas in Ethiopia. In 1973, fewer than 700 animals were estimated to survive, principally in the Shashamane area, 270 km. south of Addis Ababa. Threats to this subspecies are excessive subsistence hunting and habitat disruption. Although it is now totally protected by law, poaching is still common in Ethiopia.

18. Zanzibar suni, *Nesotragus moschatus moschatus*. (Zanzibar and neighboring islets). This subspecies was common on Zanzibar in the 19th century. Although now nearly extinct, a young animal taken in 1972 shows that it probably still survives. The decline was brought about by excessive subsistence hunting and habitat destruction.

19. Sand gazelle, *Gazella subgutturosa marica*. (Jordan and Arabian Peninsula). This gazelle was formerly found in the eastern deserts of Jordan and extending downward through the entire Arabian Peninsula. It is common now only in the sand deserts

along the southern and eastern fringes of Rub-al-khali. It is endangered as a result of mechanized hunting which has resulted in greatly reduced numbers and extermination of the animal over much of its range. Overgrazing has also degraded its habitat.

20. Saudi Arabian gazelle, *Gazella dorcas saudiya*. (Israel, Iraq, Jordan, Syria, Saudi Arabia, Kuwait). The population of this gazelle has been greatly depleted by mechanized hunting. Israel estimated the population to be 500 animals in 1964.

21. Pelzeln's gazelle, *Gazella dorcas pelzelni*. (Somalia). The present range of this subspecies extends only along a small coastal tract in the neighborhood of Basaso in Somalia. The most serious decline in the species occurred in about 1900 due to uncontrolled hunting. Since then, deterioration of habitat has progressed rapidly largely due to overgrazing.

22. Arabian gazelle, *Gazella gazella arabica*. (Arabian Peninsula including Israel). This species formerly occurred widely in the Arabian Peninsula, but its range has now been greatly reduced. The primary threats to its survival are habitat destruction from overgrazing, and widespread hunting, including hunting from motorized vehicles.

23. Arabian tahr, *Hemitragus jayakari*. (Oman). This Tahr formerly ranged throughout the hilly and mountainous sections of Oman at the south-eastern end of the Arabian Peninsula. Habitat is now limited to Jabal Hafit and Jalan Shar Keeyah Mountains. The species occupies only the rocky summits of steep tree-covered mountains. Threats to its survival include excessive hunting pressure, and its limited, vulnerable habitat.

24. Red-necked Amazon parrot, *Amazona arausiaca*. (Dominica). This species formerly ranged widely over Dominica and the population numbered in the thousands. Fifty years ago, the red-necked Amazon parrot inhabited virtually all the lower elevations. Observers in the 1930's reported seeing "clouds" of these parrots in

some areas. By 1977, the red-necked Amazon parrot was reduced to only about 350 birds in scattered localities on the island. This great reduction has occurred because of excessive hunting of the species for food and pets and because it feeds on fruits and nuts used by the islanders.

25. Iriomote cat, *Mayailurus iriomotus*. (Iriomote Island, Ryukyu Islands). It is estimated by the Cat Specialist Group of the I.U.C.N. that no more than 30 to 40 of these cats survive. It is endangered due to extensive cultivation of the land which has destroyed much of its habitat and because it is often caught in traps set for wild pigs.

#### EFFECT OF RULEMAKING

If this proposed rulemaking is finalized, the importation of any of the above species (or parts or products thereof) will be prohibited except under permit for scientific purposes or to enhance the survival or propagation of the species. Interstate shipment of these species in the course of a commercial activity would be also prohibited.

If these species are listed as Endangered, the United States shall encourage the countries in which they are resident to provide for their conservation, and may enter into bilateral or multilateral agreements with those countries to provide for such conservation. In addition, the Department of the Interior may assign or otherwise make available any of its officers or employees for the purpose of cooperating with the countries in which these species are resident in developing personnel resources and programs to promote their conservation. The United States may also use foreign currencies accruing to it under the Agricultural Trade Development and Assistance Act of 1954, or any other law, to provide to these countries (with their consent) assistance in the development of management programs which are necessary or useful for the conservation of these species.

#### PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted will be as accurate and effective in the conservation of any Endangered or Threatened species as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning this proposed rulemaking are welcome. Comments particularly are sought concerning: (1) Abundance and distribution of these species; and (2) population trends.

Final promulgation of the regulations on these species will take into consideration the comments and any additional information received by the Director and such communications may lead him to adopt final regulations which differ from this proposal. An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1612 K Street NW., Washington, D.C. 20240, and may be examined during regular business hours or can be obtained by mail. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rulemaking is John L. Paradiso, Office of Endangered Species 202-343-7814.

#### REGULATIONS PROMULGATION

Accordingly, it is proposed to amend part 17, subpart B, chapter I of title 50 of the U.S. Code of Federal Regulations as follows:

Amend § 17.11 by adding the following to the List of Endangered and Threatened Wildlife and Plants:

§ 17.11 Endangered and threatened wildlife.

Species		Range					
Common name	Scientific name	Population	Known distribution	Portion of range threatened	Status	When listed	Special rules
Cat, Iriomote...	<i>Mayailurus iriomotus</i>	N/A	Ryukyu Islands.....	Entire.....	E.....	.....	N/A.
Civet, Malabar large spotted.	<i>Viverra zibethica</i>	N/A	India .....	do.....	E.....	.....	N/A.
Deer, Bactrian	<i>Cervus elaphus bactrianus</i>	N/A	USSR, Afghanistan.....	do.....	E.....	.....	N/A.
Deer, Barbary	<i>Cervus elaphus barbarus</i>	N/A	Tunisia, Algeria Morocco .....	do.....	E.....	.....	N/A.
Deer, Corsican red.	<i>Cervus elaphus corsicanus</i>	N/A	Corcica, Sardinia .....	do.....	E.....	.....	N/A.
Deer, Yarkand	<i>Cervus elaphus yarkandensis</i>	N/A	Chinese Turkestan.....	do.....	E.....	.....	N/A.
Dulker, Jentinks.	<i>Cephalophus jentinki</i>	N/A	Liberia, Sierra Leone, Ivory Coast.	do.....	E.....	.....	N/A.
Eland, Western giant.	<i>Taurotragus derbianus</i>	N/A	Senegal to Ivory Coast .....	do.....	E.....	.....	N/A.
Fox, Simien.....	<i>Simia simensis</i> .....	N/A	Ethiopia .....	do.....	E.....	.....	N/A.
Gazelle Arabian.	<i>Gazella gazella arabica</i> .	N/A	Arabian Peninsula including Israel.	do.....	E.....	.....	N/A.

Species		Range					
Common name	Scientific name	Population	Known distribution	Portion of range threatened	Status	When listed	Special rules
Gazelle, Pelzeln's.	<i>Gazella dorcas pelzelni</i>	N/A	Somolia	do	E		N/A
Gazelle, sand	<i>Gazella subgutturosa marica</i>	N/A	Arabian Peninsula, Jordan	do	E		N/A
Gazelle, Saudi Arabian.	<i>Gazella dorcas saudiya</i>	N/A	Israel, Iraq, Jordan, Syria, Saudi Arabia, Kuwait.	do	E		N/A
Hartebeest, Swayne's.	<i>Alcelaphus swaynei</i>	N/A	Somalia, Ethiopia	do	E		N/A
Hartebeest, Tora.	<i>Alcelaphus tora</i>	N/A	Ethiopia, Sudan, Egypt	do	E		N/A
Muntjac, Fea's	<i>Muntiacus feae</i>	N/A	Burma, Thailand	do	E		N/A
Rabbit, Ryukyu.	<i>Pentalagus furnesi</i>	N/A	Ryukyu Islands	do	E		N/A
Sika, Formosan.	<i>Cervus nippon taiouanus</i>	N/A	Taiwan	do	E		N/A
Sika, North China.	<i>Cervus nippon mandarinus</i>	N/A	Shansi, China	do	E		N/A
Sika, Ryukyu	<i>Cervus nippon keramae</i>	N/A	Ryuku Islands	do	E		N/A
Sika, Shansi	<i>Cervus nippon grassianus</i>	N/A	Shansi, China	do	E		N/A
Sika, South China.	<i>Cervus nippon kopschi</i>	N/A	Yangtze Valley, China	do	E		N/A
Suni, Zanzibar.	<i>Nesotragus moschatus</i>	N/A	Zanzibar Island, Tanzania	do	E		N/A
Tahr, Arabian.	<i>Hemitragus jayakari</i>	N/A	Oman	do	E		N/A
Parrot, red-necked Amazon.	<i>Amazona aurasiaca</i>	N/A	Dominica	do	E		N/A

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

Dated: March 17, 1978.

ROBERT B. COOK,  
Acting Director,  
Fish and Wildlife Service.

[FR Doc. 78-10413 Filed 4-18-78; 8:45 am]

[4310-55]

[50 CFR Part 17]

65 TAXA ON ENDANGERED SPECIES LIST

Notice of Status Review

AGENCY: Fish and Wildlife Service, Interior

ACTION: Review of status of 65 animal taxa on the endangered species list.

SUMMARY: The status of 65 animal taxa that were placed on the Endangered Species List as a result of their being on appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora is being reviewed to determine if any or all of them should be removed from the Endangered Species List. Now that the Convention has become operational, unregulated trade is no longer a factor in their endangerment and this review seeks to determine if there are any other factors which might warrant their status as Endangered under the Endangered Species Act of 1973. This review will provide information

upon which a determination can be made as to whether any or all of these species should be reclassified as Threatened or entirely removed from classification under the Act.

DATES: Any information regarding these species should be submitted on or before June 18, 1978.

ADDRESS: Comments and information should be submitted to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director, Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On June 14, 1976, the Service determined that 159 animal taxa which were on appendix I of the convention on International Trade in Endangered Species of Wild Fauna and Flora were Endangered species pursuant to the Endangered Species Act of 1973. All of these species were considered by their nominating countries to be threatened by unregulated international trade and at the time of their determination as endangered species under the Act, the Convention was not in force to control this trade. The Service felt that it was possible for some or all of these species to become extinct if immediate control was not exerted. In an effort to prevent this from happening,

and in an attempt to regulate at least United States trade in these species, the Service determined them to be Endangered species under the Act until such time as the Convention became operational.

The Convention has now been ratified by 38 countries and is proving to be an effective regulator of international trade. Thus, unregulated international trade is no longer a factor that is endangering the continued existence of the 159 animal taxa determined to be Endangered species pursuant to the Act on June 14, 1976. The Service is now reviewing the Status of 65 of these 159 taxa for which it can find no other factor than unregulated trade which was threatening their continued survival. These species, and their general distribution, are the following (distributions and vernacular names in some instances vary from those published in 42 FR 36420, but reflect the latest information available to the Service):

MAMMALS

- Langur (*Presbytis entellus*) Tibet, India, Nepal, Sri Lanka, Pakistan, Kashmir, Sikkim, Bangladesh.
- Langur (*Presbytis pileatus*) Assam, India, Burma.
- Siamang (*Symphalangus syndactylus*) Malay Peninsula, Sumatra.
- Scaly anteater (*Manis temminckii*) Africa.
- Beaver (*Castor fiber birulaia*) Mongolia.
- Australian native mouse (*Zyomys pedunculatus*) Australia.
- Australian native mouse (*Notomys aquilo*) Australia.
- Spotted linsang (*Prionodon pardicolor*) Nepal, Assam, Burma, Indochina.
- Brown bear (*Ursus arctos pruinosus*) Tibet.

Brown bear (*Ursus arctos*) (Italian population) Italy.  
 Long-tailed otter (*Lutra longicaudus*) South America.  
 Flat-headed cat (*Felis planiceps*) Malay Peninsula, Borneo, Sumatra.  
 Black-footed cat (*Felis nigripes*) Southern Africa.  
 Costa Rican puma (*Felis concolor costaricensis*) Nicaragua, Costa Rica, Panama.  
 Temminck's cat (*Felis temmincki*) Tibet, Sumatra.  
 Leopard cat (*Felis bengalensis bengalensis*) Eastern Asia.  
 Jaguarundi (*Felis yagouaroundi cacomilli*) Mexico.  
 Jaguarundi (*Felis yagouaroundi fossata*) Mexico, Nicaragua.  
 Jaguarundi (*Felis yagouaroundi panamensis*) Nicaragua, Costa Rica, Panama.  
 Jaguarundi (*Felis yagouaroundi tolteca*) Mexico.  
 Marbled cat (*Felis marmorata*) Nepal, Malaya, Burma, Sumatra, Borneo.  
 Andean cat (*Felis jacobita*) Chile, Peru, Bolivia, Argentina.  
 Bobcat (*Lynx rufus escuinapae*) Central Mexico.  
 Babiroussa (*Babryrousa babryrousa*) Indonesia.  
 Hog deer (*Axis porcinus annamiticus*) India, Thailand, Indochina.  
 Philippine deer (*Axis calamianensis*) Calamian Islands in Philippines.  
 Saiga antelope (*Saiga tatarica mongolica*) Mongolia.  
 Goral (*Naemorhedus goral*) East Asia.  
 Chamois (*Rupicapra rupicapra ornata*) Italy.  
 Urival (*Ovis orientalis ophion*) Cyprus.  
 Argali (*Ovis ammon hodgsoni*) Tibet.  
 Shapo (*Ovis vignei*) Kashmir.  
 Lechwe (*Kobus leche*) Zambia and Angola to Zaire.  
 Bontebok (*Damaliscus dorcas dorcas*) South Africa.

## BIRDS

Solitary tinamou (*Tinamus solitarius*) Brazil, Paraguay, Argentina.  
 Harpy eagle (*Harpia harpyja*) Central America, Northern South America.

Greenland white-tailed eagle (*Haliaeetus albipectus groenlandicus*) Greenland and adjacent islands.  
 Black-fronted piping guan (*Pipile jacutinga*) Argentina.  
 Montezuma quail (*Cyrtonyx montezumae merriami*) Mexico.  
 Nordmann's greenshank (*Tringa guttifer*) Eastern Asia.  
 Relict gull (*Larus relictus*) USSR, Mongolia, China, Vietnam.  
 Mindoro zone tailed imperial pigeon (*Ducula mindorensis*) Philippines.  
 Red spectacled parrot (*Amazona pretrei*) Brazil, Argentina.  
 Bahama parrot (*Amazona leucocephala*) Western Atlantic Ocean: Bahamas.  
 Vinaceous breasted parrot (*Amazona vinacea*) Brazil, Paraguay, Argentina.  
 Red-capped parrot (*Pionopsitta pileata*) Brazil, Paraguay, Argentina.  
 Golden parakeet (*Aratinga guaruba*) Brazil.  
 Helmeted hornbill (*Rhinoplax vigil*) Burma, Thailand, Malaysia, Borneo, Sumatra.  
 Koch's pitta (*Pitta kochi*) Philippines.

## REPTILES AND AMPHIBIANS

Japanese giant salamander (*Andrias davidianus japonicus*) Japan: Hanshu and Kyushu Islands.  
 Chinese giant salamander (*Andrias davidianus davidianus*) Western China.  
 Cameroon toad (*Bufo superciliaris*) Equatorial Africa.  
 African viviparous toads (*Nectophrynoides* spp.) Equatorial Africa.  
 Panamanian golden frog (*Atelopus varius zeteki*) Panama.  
 Spotted pond turtle (*Geoclemmys hamiltonii*) Northern India, Pakistan.  
 Three-keeled Asian turtle (*Geomydas tricarinata*) Central India, to Bangladesh, Burma.  
 Indian sawback turtle (*Kachuga tecta tecta*) India.  
 Burmese peacock turtle (*Morenia ocellata*) Southern Burma.  
 Indian flap shell tortoise (*Lissemys punctata punctata*) India, Pakistan, Bangladesh.  
 Indian soft shell turtle (*Trionyx gangeticus*) Pakistan, India, Nepal, Bangladesh.

Peacock soft shell turtle (*Trionyx hurum*) India, Bangladesh.  
 Yellow monitor (*Varanus flavescens*) Pakistan through India to Bangladesh.  
 Bengal monitor (*Varanus bengalensis*) Iran east through southeast Asia.  
 Desert monitor (*Varanus griseus*) North Africa, Middle East to U.S.S.R., India and Pakistan.  
 Indian python (*Python molurus molurus*) Sri Lanka, and India.

Based on information derived from this review, the Service will decide whether any or all of the above taxa should be reclassified as threatened, or removed from any classification under the Act.

The primary author of this notice is John L. Paradiso, Office of Endangered Species.

## PUBLIC COMMENTS SOLICITED

The Service is seeking the views of all countries in which these 65 taxa are residents. All other interested parties are invited to submit any factual information which is pertinent to this review. This information, together with that available in the Office of Endangered Species, and that obtained from other sources, will be reviewed to determine whether any or all of the 65 taxa should be proposed for reclassification under the Act.

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

Dated: March 17, 1978.

ROBERT S. COOK,  
 Acting Director,  
 Fish and Wildlife Service.

[FR Doc. 78-10414 Filed 4-18-78; 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.

[3410-11]

## DEPARTMENT OF AGRICULTURE

Forest Service

### GRANDE RONDE PLANNING UNIT LAND MANAGEMENT PLAN

#### Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Grande Ronde Planning Unit Land Management Plan, USDA-FS-R6-FES (Adm)-76-15.

The environmental statement concerns a proposed land management direction for approximately 448,000 acres of National Forest Land.

The final environmental statement was transmitted to EPA on April 7, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20013.

USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, Ore. 97204.

Wallowa-Whitman National Forest, 1550 Dewey Avenue, Baker, Ore. 97814.

A limited number of single copies are available upon request to Forest Supervisor A. G. Oard, 1550 Dewey Avenue, Baker, Ore. 97814.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

EINAL L. ROGET,  
*Acting Associate Deputy Chief.*

APRIL 7, 1978.

[FR Doc. 78-10539 Filed 4-18-78; 8:45 am]

[6320-01]

## CIVIL AERONAUTICS BOARD

[Docket Nos. 30267 and 32343; Order 78-4-6]

### BRANIFF AIRWAYS, INC.

Order Instituting Dallas/Fort Worth—Philadelphia Service Investigation; Correction

Adopted by the Civil Aeronautics

Board at its office in Washington, D.C. on the 3rd day of April, 1978.

In the matter of: Application of Braniff Airways, Inc. for a certificate of public convenience and necessity (Dallas/Fort. Worth-Philadelphia) (Docket 30267); Dallas/Fort Worth-Philadelphia Service Investigation (Docket 32343).

In FR Doc. 78-9284 appearing at page 14706 in the issue for April 7, 1978, paragraph 4 of the order instituting this proceeding should be amended to read as follows:

The cities and Chambers of Commerce of Dallas and Fort Worth and North Texas Commission, the city of Philadelphia and the Greater Philadelphia Chamber of Commerce, the city of Austin, the Austin Chamber of Commerce, and the Lubbock Chamber of Commerce and Board of City Development and the Department of Justice filed in support of the motion. The city of Houston and the Houston Chamber of Commerce request the Board to consider additional nonstop authority in the Houston-Philadelphia market.

By the Civil Aeronautics Board.

Dated: April 11, 1978.

PHYLLIS T. KAYLOR,  
*Secretary.*

[FR Doc. 10599 Filed 4-18-78; 8:45 am]

[6320-01]

[Order 78-4-62; Docket 32037]

## BRANIFF AIRWAYS, INC.

Application for Amendment of Certificate of Public Convenience and Necessity for Route 151; Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of April, 1978.

On January 26, 1978, Braniff Airways, Inc. filed an application for amendment of its certificate of public convenience and necessity for Route 151 (segment 1) so as to authorize services beyond the coterminals Mexico City and Acapulco to Panama and

beyond.<sup>1</sup> On February 10, 1978, Braniff filed a petition requesting that its application be processed by show cause procedures.<sup>2</sup>

In support of its request, Braniff states that it has been designated under the U.S.-Mexico Air Transport Agreement for U.S. Route C (Dallas/Ft. Worth/San Antonio-Mexico City/Acapulco); that on January 20, 1978, the United States and Mexico agreed to amend the Agreement to describe U.S. Route C as U.S. Route B.2 and to authorize service over that route beyond Mexico City and Acapulco to Panama and beyond; that the proposed amendment combines Braniff's existing Mexico and South American routes;<sup>3</sup> that it wishes to institute the new services over Route 151, as amended, on June 1, 1978, by extending three weekly round-trip Dallas/Ft. Worth-Mexico City flights on to Bogota, Guayaquil, and Lima; and that on December 1, 1978, it will extend a fourth weekly round-trip frequency beyond Mexico City to Bogota and Lima.<sup>4</sup> For the first year of operation, Braniff forecasts it will carry

<sup>1</sup>Braniff's Route 151 is divided into two segments which consists of (1) Coterminal points Dallas/Ft. Worth and San Antonio, Tex. and the coterminal points Mexico City and Acapulco, Mexico. (2) Terminal point Houston, Tex. and terminal point Acapulco, Mexico. Only Segment 1 is affected by the January 20, 1978 amendment to the U.S.-Mexico Air Transport Agreement and the amendment here requested by Braniff.

<sup>2</sup>We will grant the petition.

<sup>3</sup>Braniff is currently certificated to serve several U.S.-South American markets including Dallas/Ft. Worth-South America on Route 153. Order 77-9-63. The amendment would add new San Antonio-South America authority.

<sup>4</sup>The January 20, 1978 amendment to the U.S.-Mexico Agreement restricts operations over U.S. Route B.2 as follows: (1) No local traffic rights or stopover rights on nonstop services between Mexico City and Panama until October 1, 1980; (2) No advertising or selling nonstop service on a United States airline for passengers whose journeys originate in Mexico City with final destination to Panama or whose journeys originate in Panama with final destination in Mexico City; and (3) No traffic rights between Mexico City and Venezuela. Braniff is subject to the restrictions pertaining to U.S. route B.2 by virtue of a condition contained in its certificate for Route 151 which requires the holder to operate "... in accordance with all treaties and agreements between the United States and other countries." Therefore we will not include these restrictions in the proposed certificate.

42,526 passengers on its Mexico City-South American flights. The carrier estimates that its proposed services will result in an operating profit of approximately \$1,326,000.

Dallas/Ft. Worth, the Chambers of Commerce of Dallas/Ft. Worth and the North Texas Commission filed a joint answer in support of Braniff's petition. The answer points out that (1) the Dallas/Ft. Worth-South American route will enable better development of Dallas/Ft. Worth-South American trade; (2) Braniff proposes to operate initially single-plane service from Dallas/Ft. Worth to Mexico City, Bogota, Guayaquil, and Lima, and (3) Braniff is the only U.S.-flag carrier authorized to serve Dallas/Ft. Worth-Mexico and Texas-South American markets.

On February 21, 1978, the City of San Antonio and the Greater San Antonio Chamber of Commerce (San Antonio Parties) filed a joint petition for leave to intervene.<sup>8</sup> Subsequently, the San Antonio Parties filed an answer objecting to Braniff's petition for show cause because San Antonio was not included in the proposed service pattern for South America. Finally, Pan America filed an answer to Braniff's petition requesting that the Board defer the issuance of a show-cause order until it files a petition for show cause for the routes it has been designated to serve under the Agreement. Pan American states that this approach should be followed so that the Board can consider both applications simultaneously.

In view of the foregoing and all facts of record, we have decided to issue an order to show cause why Braniff's certificate for Route 151 (segment 1) which presently authorizes services between the coterminals Dallas/Ft. Worth/San Antonio and the coterminals Mexico City/Acapulco should not be amended to authorize services beyond Mexico City/Acapulco to Panama and beyond.<sup>9</sup> Neither the San Antonio Parties nor Pan American have set forth facts which warrant denying or delaying the issuance of this show cause order. While we understand San Antonio's disappointment with Braniff's proposed schedule, this is a matter properly within carrier management discretion which the Board has neither the desire nor

<sup>8</sup>Since the Board's Rules of Practice do not provide for intervention in matters handled by show cause procedures (14 CFR 302.15a), we will defer ruling on the petition to intervene.

<sup>9</sup>Based upon our review of Braniff's Environmental Evaluation, we find that the addition of the expanded authority does not constitute a major federal action within the meaning of the National Environmental Policy Act of 1969. Moreover, since Braniff's proposed operations will not result in the near-term consumption of 10 million gallons of fuel, our action here will not constitute a "major regulatory action" under the Energy Policy and Conservation Act of 1975 (EPCA) (14 CFR 313.6).

the authority to directly regulate.<sup>7</sup> Moreover, the San Antonio markets involved are small and therefore, Braniff's management decision not to immediately institute service appears reasonable. As for Pan American, the fact that it could not prepare a petition for show cause as quickly as Braniff is not a valid reason for delay. When Pan American files its petition, we intend to process it expeditiously. Therefore, we tentatively find and conclude that the public convenience and necessity requires such an amendment.<sup>8</sup>

*It is hereby ordered That:* 1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated in this order and amend the certificate of public convenience and necessity of Braniff Airways, Inc. for Route 151 so as to have Segment 1<sup>9</sup> of that route read as follows:

Between the coterminals points Dallas/Port Worth and San Antonio, Tex., the intermediate points Mexico City and Acapulco, Mexico; Balboa, Canal Zone/Panama City, Panama; Bogota and Cali, Colombia; Quito and Guayaquil, Ecuador; Lima, Peru; and La Paz, Bolivia; and

(a) beyond La Paz, the intermediate point Asuncion, Paraguay, and (i) beyond Asuncion, the intermediate point Sao Paulo, Brazil, and the terminal point Rio de Janeiro, Brazil, and (ii) beyond Asuncion, the terminal point Buenos Aires, Argentina;

(b) beyond La Paz, the intermediate point Santiago, Chile, and the terminal point Buenos Aires, Argentina;

2. All interested persons having objections to the issuance of an order making final the proposed findings and conclusions, or the proposed certificate amendments set forth in this order shall, within 10 days<sup>10</sup> after the date of this order, file with the Board and serve upon all persons listed in paragraph 6 below a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections. If an oral hearing is requested the objector should state in detail why such hearing is considered necessary and what relevant and material facts would be

<sup>7</sup>Since San Antonio is a coterminal on U.S. Route B.2 (Braniff's Route 151), Braniff's service is discretionary.

<sup>8</sup>We tentatively find that Braniff is fit, willing and able properly to perform the air transportation authorized by the certificate proposed to be issued by this Order and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

<sup>9</sup>In order to permit Braniff maximum flexibility in scheduling its new South American points, we will make the authority for the newly added points on segment 1 of Route 151 permissive.

<sup>10</sup>In order for Braniff to commence operations by June 1, 1978, we find that the public interest requires the allowance of only 10 days for objections to this order.

expected to be established through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, other than those disposed of here, further consideration will given the matters and issues raised by the objections before further action is taken by the Board; *Provided*, that the Board may proceed to enter an order if it is determined that there are no factual issues present that warrant the holding of an oral hearing;<sup>11</sup>

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Secretary shall enter an order which, (1) shall make final the Board's tentative findings and conclusions set forth in this order, and (2) subject to the approval of the President, shall issue an amended certificate of public convenience and necessity for Route 151 to Braniff Airways, Inc. in the form attached;

5. The petition of Braniff Airways, Inc. for issuance of an order to show cause be granted; and

6. A copy of this order shall be served upon Braniff Airways, Inc.; Pan American World Airways, Inc.; the Mayors of Dallas, Fort Worth, and San Antonio; the Chambers of Commerce of Dallas and Fort Worth; the Greater San Antonio Chamber of Commerce; the Governor of Texas; the North Texas Commission; and the Texas Aeronautics Commission.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.<sup>12</sup>

PHYLLIS T. KAYLOR,  
Secretary.

SPECIMEN CERTIFICATE

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (AS AMENDED) FOR ROUTE 151

*Braniff Airways, Inc.* is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation of persons, property, and mail, as follows:

1. Between the coterminals points Dallas/Fort Worth and San Antonio, TX, the intermediate points Mexico City and Acapulco, Mexico; Balboa and Canal Zone/Panama City, Panama; Bogota and Cali, Colombia; Quito and Guayaquil, Ecuador; Lima, Peru; and La Paz, Bolivia; and (a) Beyond La Paz, the intermediate point Asuncion, Paraguay, and (i) beyond Asuncion, the intermediate point Sao Paulo, Brazil, and the terminal point Rio de Janeiro, Brazil, and (ii) beyond Asuncion, the terminal point Buenos Aires, Argentina; and (b) Beyond La Paz, the intermediate point Santiago, Chile, and the terminal point Buenos Aires, Argentina.

2. Between the terminal point Houston, TX, and the terminal point Acapulco, Mexico. The authority granted in Segment 1 beyond Mexico City and Acapulco shall be permissive. The service herein authorized is

<sup>11</sup>Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

<sup>12</sup>All Members concurred.

subject to the following terms, conditions, and limitations:

(1) Notwithstanding any other provisions of this certificate, the holder shall at all times conduct its operations in accordance with the treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate shall be subject to compliance with such treaties and agreements, and to any orders of the Board issued pursuant to, or for the purpose of requiring compliance with such treaties and agreements.

(2) The holder shall render service on segment 2 between Houston, Texas and Acapulco, Mexico, except as the temporary suspension of service may be authorized by the Board.

(3) The holder may continue to serve regularly any point named through the airport last regularly used to serve such point prior to the effective date of this certificate. Upon compliance with such procedures as the Board may prescribe, the holder may in addition regularly serve the points named here through any convenient airport and may operate nonstop service between any two points not consecutively named here.

(4) The exercise of the authority granted herein shall be subject to the carrier first obtaining the required operating rights from the Government of Mexico.

(5) Flights serving Rio de Janeiro or Sao Paulo, Brazil, shall also serve an intermediate point south of Panama.

The exercise of the privileges granted by this certificate shall be subject to the conditions set forth in Appendix A to Orders 75-10-65/66, and any amendments or revisions thereof as the Board may find required by the public convenience and necessity.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This certificate shall be effective on \_\_\_\_\_; *Provided, however,* that the continuing effectiveness of the authority granted here shall be conditioned upon the timely payment, by the holder, of such license fees as may be prescribed by the Board.

The Civil Aeronautics Board has directed its Secretary to execute this certificate, and to affix the Board's Seal.

[seal]

\_\_\_\_\_  
*Secretary.*

This certificate was approved by the President of the United States

on \_\_\_\_\_

in \_\_\_\_\_

[FR Doc. 78-10600 Filed 4-18-78; 8:45 am]

[6335-01]

**CIVIL RIGHTS COMMISSION**

**DISTRICT OF COLUMBIA ADVISORY COMMITTEE**

**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee (SAC) of the Commission will convene at 12

p.m. and will end at 3 p.m. on May 11, 1978, Roy Littlejohn Association, 1328 New York Avenue NW., 2nd Floor, Washington, D.C.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss program plans for fiscal year 1978 and report on the Regional Conference held April 12-14, 1978.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 13, 1978.

\_\_\_\_\_  
*JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.*

[FR Doc. 78-10569 Filed 4-18-78; 8:45 am]

[6335-01]

**KANSAS ADVISORY COMMITTEE**

**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 3 p.m. on May 13, 1978, Holiday Inn, Don Quixote Room, 914 Madison, Topeka, Kans.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Mo. 64106

The purpose of this meeting is to plan new committee projects.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 13, 1978.

\_\_\_\_\_  
*JOHN I. BINKLEY,  
Advisory Committee,  
Management Officer.*

[FR Doc. 78-10570 Filed 4-18-78; 8:45 am]

[6335-01]

**MARYLAND ADVISORY COMMITTEE**

**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and will end at 10:30 p.m. on May 3, 1978, Social Security Complex, Security Boulevard, Baltimore, Md., room G-20.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street NW., Washington, D.C. 20037.

The purpose of this meeting is to discuss program plans for fiscal year 1978 and report on the Regional Conference held April 12-14, 1978.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 13, 1978.

\_\_\_\_\_  
*JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.*

[FR doc 78-10571 Filed 4-18-78; 8:45 am]

[3510-25]

**DEPARTMENT OF COMMERCE**

**Industry and Trade Administration**

**FREDERICK CANCER RESEARCH CENTER**

**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 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. 78-00106. Applicant: Frederick Cancer Research Center, P.O. Box B, Frederick, Md. 21701. Article: LKB 2127-001 Tachopor with power supply, and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the study of proteins, peptides and their associated precursors, and metabolites. These studies are to include the separation of: Synthetic peptide preparations, plasma proteins, urinary proteins, and products in vitro synthesis.

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

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

Reasons: The foreign article provides the capability for counter flow isotachopheresis. The Department of Health, Education, and Welfare advises in its memorandum dated March

23, 1978 that (1) the capability of the article described above is pertinent to the applicant's intended research and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

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. 78-10489 Filed 4-18-78; 8:45 am]

### [3510-25]

#### UNIVERSITY OF HAWAII

##### 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 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 688C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00076. Applicant: University of Hawaii, High Energy Physics Group, Watanabe Hall, 2505 Correa Road, Honolulu, Hawaii 96822. Article: Model 1 Sweepnik System and Accessories. Manufacturer: Laser-Scan Ltd., United Kingdom. Intended use of article: The article is intended to be used for bubble chamber experiments which involve bombarding the 15' bubble chamber with multibillion volt neutrinos produced by the highest energy accelerator in the world. The purpose of these experiments is to discover new particles, examine the properties of a class of particles called "Quarks," and to understand a new and strange property possessed by certain elementary particles whimsically called "charm." Specifically, the article will be used to measure the trajectories to charged particles produced by neutrinos in the bubble chamber to an accuracy of 2 millionths of a meter on the 70 mm film.

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 is a laser-type computer controlled, semiautomatic measuring instrument capable of measuring with great precision the trajectories of charged particles, produced by neutrinos in a bubble chamber to an accuracy of two millionths of a meter on 70 mm film. The National Bureau of Standards advises in its memorandum dated March 28, 1978, that (1) the capability of the article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

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

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

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

[FR Doc. 78-10490 Filed 4-18-78; 8:45 am]

### [3510-25]

#### UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER

##### Consolidated Decision on Applications for Duty Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes 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 301). (See especially section 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. 78-00123. Applicant: University of Texas Health Science Center at Houston, Department of Neurobiology and Anatomy, 6431 Fannin, P.O. Box 20708, Houston, Tex. 77025. Article: Electron Microscope System, Standard Side Entry, Model JEM-100CX and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the structure of biological cells and tissues; primarily those of

the nervous system including special sensory organs. The study of structure is related to neurochemical transmission, excitable membranes and ultrastructural correlates of chemical interaction of nerve cells and related enzymatic activity. Similarly the equipment will be used to determine the ultrastructural substrate and basis for chemical activity of the nervous system during normal and/or abnormally related functional state. Experiments will vary considerably ranging from morphological studies of the retina to studying the autonomic nerve supply of the human pelvic viscera, the neurochemical correlates of nerve activity in the central nervous system and in the autonomic nervous system. The articles will also be used to teach graduate students on a tutorial basis the use of electron microscopy, from the standard primitive techniques for transmission electron microscopy and the emphasis is on the practical aspects of students preparing, examining and working on an experimental basis throughout the tutorial. In addition, several medical students will be trained in the use of the standardized electron microscopy. Article ordered: December 20, 1977.

Docket No. 78-00126. Applicant: University of Alabama in Birmingham, University Station, Birmingham, Ala. 35294. Article: Electron Microscope, Model EM 10A and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for varied research ranging from high resolution studies of virus coat proteins and extracellular polymers of floc forming bacteria to low magnification survey photographs as extensions of the light microscopy. Specific projects include the following:

(1) Research on the crystalline matrix protein of a nuclear polyhedrosis virus of *Autographa californica*.

(2) Study of the process of microbial floc formation.

(3) Study of the development of the male reproductive tract as it relates to the production of epididymal and seminal vesicle inhibitors of acrosomal enzymes.

(4) Study of the secretory tissues of the flowering plant, *Gossypium hirsutum*. In addition, the article will be used in the courses: Experimental Embryology Laboratory to introduce students to modern research techniques and Investigate Techniques to teach graduate students a specific technique in depth. Article ordered: November 11, 1977.

Docket No. 78-00129. Applicant: Yale University, School of Medicine, Department of Neuroanatomy, 333 Cedar Street, New Haven, Conn. 06510. Article: Electron Microscope, Model JEM-100S and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is in-

tended to be used for ultrastructural analysis of differentiating neurons in the central nervous system to uncover mechanisms of brain development in primates. The results of these studies can help in understanding pathogenesis of various developmental neurological diseases. The article will also be used in training graduate students and post doctoral fellows in the Department of Neuroanatomy. Article ordered: December 19, 1977.

Docket No. 78-00130. Applicant: The Regents of the University of California, University of California, Berkeley, Calif. 94720. Article: Transmission Electron Microscope, Model JEM-100S with sheet film camera and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to carry out research into the mechanism of cell shape determination in animal cells. Changes in distribution of microtubules and actin filaments in fish photoreceptors at different stages of elongation will be examined in order to elucidate the structural bases for cell shape change. The article will also be used frequently as an educational tool for graduate students, post-doctoral students, and visiting scientists. Article ordered: January 26, 1978.

Docket No. 78-00131. Applicant: Charleston Area Medical Center, Department of Pathology, Brooks & Elmwood Streets, Charleston, W. Va. 25325. Article: Electron Microscope, Model EM 9S-2 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for tissue and cytology studies independently in conjunction with light microscopic work for diagnostic, research and teaching purposes. Specific projects for the research and teaching use are anticipated to lie in the field of: (a) recognition of viral diseases; (b) diagnostic cytology; and (c) specific problems in hematology. The material obtained by electron microscopy will be organically incorporated into important gross photomicrographic, and photomicrographic and other teaching collections at the institution. Article ordered: November 14, 1977.

Docket No. 78-00142. Applicant: Columbia University, 630 West 168th Street, New York, N.Y. 10032. Article: Electron Microscope, Model JEM 100C with Side Entry Coniometer and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the ultrastructure of biological cells and tissues. This includes the analysis of ova, sperm, and a variety of neuroendocrine tissues. In addition, the article will be used for the identification of receptors for a variety of hormones by the application of electron dense markers. The experiments to be conducted will include the following:

(1) Studies of the mechanisms controlling the primate menstrual cycle with emphasis on brain pituitary ovarian hormonal interrelationships.

(2) The definition of the development of the gonadotropic access in long-term organotypic cultures of newborn rodent hypothalamic preoptic areas.

(3) Characterization and functional organization of neurosecretory pathways.

(4) Studies of biochemistry, endocrinology and genetics of mammalian germ cell production.

(5) Studies of the metabolic aspects and biochemical kinetics of spermatogenesis and the chemistry of sperm motility.

(6) The examination of the structural biochemistry, spermatozoa with emphasis on the role of cystine rich cross-linked protein structures.

(7) Work on the central nervous system with localization of ovarian gonadotropin receptors.

(8) Investigations on the biosynthetic pathways of steroid synthesis. Application received by Commissioner of Customs: January 27, 1978.

Docket No. 78-00146. Applicant: Northeastern Ohio Universities College of Medicine, Route 44, Rootstown, Ohio 44272. Article: Electron Microscope, JEM 100S with accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of ultrastructure of a wide variety of biological materials including large numbers of brain tissue specimens. Experiments to be conducted will involve characterization of tissues and cells, their function and response to injury, especially nervous tissue. In addition, the article will be used for graduate student instruction in ultratechnique, for instruction of medical students in the area of microscopic anatomy and general pathology, and for preparation of instructional materials for use in courses in microscopic anatomy and general pathology, neurobiology, microbiology, and related research seminars. Article ordered: June 17, 1977.

Docket No. 78-00147. Applicant: Southwest Research Institute, 6220 Culebra Road, San Antonio, Tex. 78284. Article: Electron Microscope, Model EM 301 with Goniometer Stage and Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for research on the behavior of metals and alloys. The research program includes a 3-year study directed at an understanding of the reasons for drastic acceleration of fatigue crack growth with interspersed dwells in beta-forged titanium hub and disk materials used in military gas turbine engines. A second program for which the article will be used is a study of metal-

urgical damage (cavitation) at grain boundaries in low alloy steam turbine rotor steels induced by creep-fatigue loading at elevated temperature. The presence or absence of cavitation, its distribution, and its relationship to grain boundary phases and external loading conditions will be evaluated. Article ordered: January 13, 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, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce know 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 was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(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. 78-10491 Filed 4-18-78; 8:45 am]

### [3510-25]

#### MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

##### Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.) notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on May 9, 1978 at 1:30 p.m. in Room 6802, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and condi-

tions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request, addressed to the ITA Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Telephone requests for the minutes of the meetings and further information concerning the Committee may be directed to Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: April 13, 1978.

ROBERT E. SHEPHERD,  
*Deputy Assistant Secretary for  
Domestic Business Development.*

[FR Doc. 78-10492 Filed 4-18-78; 8:45 am]

### [3510-25]

#### SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

##### Closed Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Semiconductor Technical Advisory Committee will be held on Thursday, May 4, 1978, at 9:30 a.m. in Room 1851, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration, approved the recharter and extension of the Committee, pursuant to Section 5 (c) (1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advised the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the the level of export controls

applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to Section 10 (d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In the Sunshine Act, Pub. L. 94-409 that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: Area Code 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on March 2, 1977 (42 FR 11078).

Dated: April 14, 1978.

RAUER H. MEYER,  
*Director, Office of Export Ad-  
ministration, Bureau of Trade  
Regulation, U.S. Department  
of Commerce.*

[FR Doc. 78-10614 Filed 4-18-78; 8:45 am]

### [3510-03]

#### Maritime Administration

[Docket No. S-6011]

#### DELTA STEAMSHIP LINES, INC.

##### Notice of Application

Notice is hereby given that Delta Steamship Lines, Inc. (Delta) with reference to the proposed acquisition by Delta from Prudential Lines, Inc. (PLI) of its operating-differential subsidy rights on Trade Route No. 4 (U.S. Atlantic/Caribbean), has filed an application for the privilege of calling at Central American ports in Mexico, Honduras, Belize, Guatemala, Nicaragua, and Costa Rica. Delta proposes to serve the additional ports requested in conjunction with a subsidized service on Trade Route No. 4 as currently described in PLI's Operating-Differential Subsidy Agreement, Contract No. MA/MSB-431 with a LASH vessel subject to the maximum of 33 sailings permitted on the subsidized service.

Interested parties may inspect this amendment in the Office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Any person, firm, or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230, by the close of business on April 24, 1978.

The Maritime Subsidy Board will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistant Program No. 11.504 Operating-Differential Subsidies (ODS).)

By Order of the Maritime Subsidy Board.

Dated: April 13, 1978.

JAMES S. DAWSON, Jr.,  
*Secretary.*

[FR Doc. 78-10465 Filed 4-18-78; 8:45 am]

### [3510-17]

#### OFFICE OF THE SECRETARY

#### FEDERAL ADVISORY COUNCIL ON REGIONAL ECONOMIC DEVELOPMENT

##### Agenda and Notice of Open Meeting

Notice is given that a meeting of the Federal Advisory Council on Regional Economic Development will be held on Friday, May 19, 1978, at 9 a.m. to 12 noon, in Room 6802, Department of Commerce, Washington, D.C. 20230.

The Federal Advisory Council was established pursuant to Executive

Order 11386. The Council is a cabinet-level committee composed of those Federal agencies most concerned with economic development. Among its responsibilities, the Council advises the Secretary of Commerce, who is Chairperson of the Council, in her review of the long-range economic development plans prepared by the Title V Regional Action Planning Commissions.

The purpose of this meeting is to discuss the long-range economic development plan submitted to the Secretary of Commerce by the Pacific Northwest Regional Commission. In accordance with the review procedures adopted by the Council, the Pacific Northwest development plan has been circulated to the members for their review.

Persons wishing to attend this meeting should contact the Executive Secretary of the Council, Office of Regional Economic Coordination, Room 2092, Department of Commerce, Washington, D.C. 20230, telephone 202-377-5174.

Dated at Washington, D.C., April 13, 1978.

ANNE WEXLER,  
Special Assistant to the Secretary for Regional Economic Coordination.

[FR Doc. 78-10488 Filed 4-18-78; 8:45 am]

[3128-01]

**DEPARTMENT OF ENERGY**  
Economic Regulatory Administration  
**ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT**

**Prohibition Order; United Power Association**

The Department of Energy (DOE) hereby gives notice that on April 12, 1978, it issued a Prohibition Order, pursuant to the authorities granted it by section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, as amended, 15 U.S.C. 791 et seq. (ESECA), and chapter II, title 10, Code of Federal Regulations (10 CFR), parts 303 and 305 to the following powerplants:

Docket No.	Owner	Generating station	Powerplant	
			No.	Location
OCU-161	United Power Association	Elk River	1	Elk River, Minn.
OCU-162	do	do	2	Do.
OCU-163	do	do	3	Do.

By publication in the FEDERAL REGISTER on January 31, 1978 (43 FR 4084), DOE gave a Notice of Intention to Issue a Prohibition Order to the above-named powerplants. Pursuant to this notice, written comments were submitted on the proposed order and a public hearing was held on February 15, 1978, to receive oral presentation of data, views and arguments. Comments received, which were considered pertinent to DOE's findings, have been addressed in the Prohibition Order.

This order will prohibit the above-named powerplants from burning natural gas or petroleum products as their primary energy source. This prohibition order will not become effective, however, until: (1) Either (a) the administrator of the Environmental Protection Agency (EPA) has notified DOE, as required by section 2(b) of ESECA, that the powerplant will be able to burn coal and to comply with all applicable air pollution requirements without a delayed compliance order pursuant to the provisions of the Clean Air Act, as amended (CAA), 42 U.S.C. 7413(d)(5) and the Act of August 7, 1977, Pub. L. 95-95, § 112, or (b) if such notification is not given by

EPA, the date that the Administrator of EPA certifies, is the earliest date that the powerplant will be able to comply with all applicable air pollution control requirements, and (2) DOE has performed an analysis of the environmental impact of the issuance of a notice of effectiveness pursuant to 10 CFR 208.3(a)(4) and 305.9, and has served the affected powerplant with a notice of effectiveness, as provided in 10 CFR 303.10(b), 303.37(b), and 305.7. The date the prohibition order will be effective will be stated in the notice of effectiveness.

The above-named powerplants have been served a prohibition order by registered mail. In addition, copies of this prohibition order will be available to the public at DOE's freedom of information reading room located in Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, and at the DOE regional office, third floor reading room A-333, 175 West Jackson Boulevard, Chicago, Ill. 60604.

Any questions regarding this notice should be directed to Walter A. Romanek, Director, Division of Coal Utilization, Department of Energy, Washington, D.C. 20461, 202-254-3910.

Issued in Washington, D.C., April 12, 1978.

BARTON R. HOUSE,  
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 78-10551 Filed 4-18-78; 8:45 am]

[3128-01]

**ORDER CONFIRMING AND APPROVING SPECIAL RATE FOR THE SALE OF THERMAL POWER FROM THE HANFORD GENERATING PROJECT**

Notice is hereby given that the Assistant Administrator for Utility Systems, Economic regulatory Administration has issued the Order published below confirming and approving a special rate for the sale of thermal power from the Hanford Generating Project.

In the matter of: Hanford Generating Project, Bonneville Power Administration ex rel. Resource Applications (ERA Docket No. BPA 78-1).

Pursuant to section 301(b) of the Department of Energy Organization Act (the Act), Pub. L. 95-91, the function to confirm and approve rates for power marketed by the Bonneville Power Administration was transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-4, effective October 1, 1977, 42 FR 60726 (November 29, 1977), the Secretary of Energy delegated his confirmation and approval authority to the Administrator of the Economic Regulatory Administration (ERA or the Administrator). The Administrator has delegated his authority to the Assistant Administrator for Utility Systems, Economic Regulatory Administration.

**BACKGROUND**

On December 23, 1977, the Bonneville Power Administration (BPA), Resource Applications, requested the Administrator of ERA to confirm and approve a special rate for the sale of thermal power from the Hanford Generating Project (Hanford) for the period January 1, 1978, through June 30, 1978. BPA also requested that ERA conditionally confirm and approve the special rate so that power sales could commence immediately.

BPA advised ERA that the generation of electrical energy at the Federal hydroelectric plants for which BPA serves as marketing agent was curtailed during the 14-month period preceding the filing of this request because of reduced water flows. Since it appeared that the amount of energy generated during that period might not be sufficient to meet its firm power commitments, BPA retained entitlement to thermal power from Hanford to satisfy the anticipated deficiency in its power supply resources and to reduce the drawdown of the

reservoirs. In its application, BPA projected that water flows would increase and refill the reservoirs with the result that Federal hydroelectric plants would generate sufficient amounts of energy to meet BPA's firm power commitments, thereby making unnecessary the retention of additional Hanford thermal power.

In order to recover its costs for the retained Hanford energy, BPA proposes to sell this energy, whenever available, at a special rate which will be equivalent to such costs. The total amount of energy to be sold will not exceed the approximately 1.3 billion kilowatt hours of Hanford power which was retained by BPA. The sale price proposed by BPA is 10.0 mills per kilowatt-hour. This energy is being offered first to BPA's industrial customers and other northwest customers, with electric utilities operating in California being given an opportunity to buy excess energy not taken by the northwest customers. BPA intends to include in its contracts for the sale of the Hanford energy a provision that would enable it to recall the energy if needed by BPA to serve its firm loads in the event the reservoirs do not refill by July 31, 1978, or the reservoir levels have been lowered for flood control purposes.

#### DISCUSSION

On January 10, 1978, ERA issued a Notice conditionally confirming and approving the special rate, and affording interested persons the opportunity to file written comments on the proposal and request a public hearing, 43 FR 2206 (January 16, 1978). No written comments were received in response to the Notice and no requests for a public hearing were filed.

ERA concludes that it is appropriate to confirm and approve BPA's request for a special rate of 10.0 mills per kilowatt-hour for the sale of Hanford thermal energy for the period of January 1, 1978, through June 30, 1978. The special rate is based on the cost of producing Hanford energy, plus line losses and a wheeling charge. Sales will not exceed the 1.3 billion kilowatt hours of Hanford energy withdrawn by BPA during the period of reduced water flows.

#### ORDER

Pursuant to the authority set forth above, the Assistant Administrator for Utility Systems, Economic Regulatory Administration, Orders:

1. The special rate of 10 mills per kilowatt hour for the sale of energy from the Hanford Generating Project is hereby confirmed and approved;

2. The special rate shall be effective for the period of January 1, 1978, through June 30, 1978; and

3. A copy of this Order will be published in the FEDERAL REGISTER.

Issued in Washington, D.C., this 13th day of April, 1978.

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

[FR Doc. 78-10613 Filed 4-18-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. RM77-14]

ALGONQUIN GAS TRANSMISSION CO.

Filing of Tariff Sheets To Establish an Adjustment Provision for Authorized Gas Research Institute ("GRI") Research, Development and Demonstration Pursuant To Commission Opinion No. 11

APRIL 12, 1978.

Take notice that Algonquin Gas Transmission Co. ("Algonquin Gas") on April 4, 1978, tendered for filing the following tariff sheets to Algonquin Gas' FERC Gas Tariff, First Revised Volume No. 1:

Original Sheets No. 138 and No. 139: Constituting a new general term and condition for a GRI adjustment provision.

Original Sheet No. 100: To revise index page to reflect above.

Original Sheet Nos. 140 through 199: To revise reserved pages of tariff.

The tariff sheets being filed herewith are filed to become effective May 6, 1978.

The Commission, by Opinion No. 11 and order issued March 22, 1978, authorized a Gas Research Institute ("GRI") research, development and demonstration program, including the funding thereof. Algonquin Gas is a GRI member and is making the instant filing in order to include in the General Terms and Conditions of its FERC Gas Tariff the procedure for collecting funds to support Algonquin Gas' participation in the authorized research, development and demonstration program.

The rates to which the GRI adjustment provision will apply are Algonquin Gas' Rate Schedules F-1, WS-1, I-1, E-1, and SNG-1. In order to avoid double charges no surcharge has been added to Rate Schedule T-1 since all volumes transported for Buyers thereunder are purchased from other pipelines (i.e., Texas Eastern Transmission Corp. and Tennessee Gas Pipe Line Co.) under sales rate schedules which include the GRI surcharge.

Algonquin Gas intends to file on or about May 1, 1978, an actual surcharge adjustment of 0.12 cents per Mcf pursuant to such clause to become effective June 1, 1978. Algonquin Gas stated that it has been informed by GRI that June 1, 1978, is the day in which the majority of pipeline members will make their GRI surcharges effective.

A copy of this filing is being served upon all affected parties and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 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. 78-10496 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

CITIES SERVICE GAS CO.

Proposed Changes in FERC Gas Tariff

APRIL 12, 1978.

Take notice that Cities Service Gas Co. (Cities Service) on April 5, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1. Cities Service states that such filing is in compliance with Opinion No. 11, in Docket No. RM77-14, issued on March 22, 1978, and Order No. 566, in Docket No. RM76-17, issued on June 2, 1977.

The instant filing consists of First Revised Sheet Nos. 6, 67, 68, and 69 and Original Sheet Nos. 70 and 71 to Cities Service's FERC Gas Tariff, Original Volume No. 1.

These sheets reflect an increase in jurisdictional rates of 0.12¢ per Mcf, which is to be remitted to Gas Research Institute (GRI) and changes in the General Terms and Conditions to incorporate a gas research institute funding unit provision and to conform its RD&D Rate Adjustment Provision to Order No. 566.

Cities Service states that copies of its filing were served on all jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 May 1, 1978. Protests will be consid-

ered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. 78-10497 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

COLORADO INTERSTATE GAS CO.

Proposed Changes in FPC Gas Tariff

APRIL 12, 1978.

Take notice that Colorado Interstate Gas Co. (CIG), on April 6, 1978, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1 to be effective June 1, 1978. The proposed tariff changes would establish a "Gas Research Institute Charge Adjustment Provision" in CIG's FPC Gas Tariff and provide for the collection by CIG of \$.0012 per Mcf for sales and transportation deliveries to distributors for resale and to pipelines which are not members of Gas Research Institute (GRI). Pursuant to the tariff changes proposed, CIG would be obligated to remit such charges to GRI within 30 days of collection. CIG avers that the collection and remittance procedure provided in the proposed tariff changes and the \$.0012 per Mcf charge are consistent with and permissible under the Commission's Opinion No. 11 issued in Docket No. RM77-14 on March 22, 1978.

Copies of CIG's filing have been served on CIG's jurisdictional customers and interested public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 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. 78-10498 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

APRIL 12, 1978.

Take notice that Columbia Gas Transmission Corporation (Columbia) on April 6, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, as follows:

Forty-third Revised Sheet No. 16, Original Sheet No. 65.

These proposed changes, to be effective June 1, 1978, are being filed pursuant to Opinion No. 11, issued by the Federal Energy Regulatory Commission on March 22, 1978. The aforesaid Opinion permits Columbia to file a Research, Development and Demonstration cost adjustment provision to allow the collection of 0.12 cents per Mcf of Program Funding Services for payment to Gas Research Institute.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 1, 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. 78-10499 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. CI78-582]

DELTA DRILLING CO.

Limited-Term Certificate Application

APRIL 11, 1978.

Take notice that on March 23, 1978, Delta Drilling Co. (Applicant), P.O. Box 2012, Tyler, Tex. 75710, filed in Docket No. CI78-582, an application for a limited-term certificate of public convenience and necessity with pre-granted abandonment authority requesting that Applicant be authorized to sell, in interstate commerce, for resale, natural gas produced by Applicant from the South Culebra Bluff

Unit Well No. 1, Eddy County, N. Mex. On January 3, 1978, said well had been drilled to a depth 11769' below the surface at which depth high pressure gas was encountered which caused the well to blow out and catch fire. After the fire was extinguished and various items of surface well head equipment were installed, due to the excessive bottom-hole pressures that existed it was not possible to shut-in said well.

On January 17, 1978, Applicant entered into an agreement with El Paso Natural Gas Co., providing for the sale to El Paso Natural Gas Co. of such gas on an emergency basis for a limited-term of sixty (60) days, at the applicable ceiling rate under Opinion No. 770-A. Since then, Applicant and El Paso have entered into an agreement dated March 3, 1978, providing for the continuation of deliveries of such gas until the well can be safely shut-in.

Any person desiring to be heard or to make any protest with reference to said application, on or before May 3, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10500 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

## EAST TENNESSEE NATURAL GAS CO.

## Tariff Filing for the Gas Research Institute Rate Adjustment Provision

APRIL 12, 1978.

Take notice that on April 6, 1978 East Tennessee Natural Gas Co. (East Tennessee) tendered for filing the following tariff sheets to its FERC Gas Tariff:

Original Sheet No. 74E  
Second Revised Sheet No. 74D  
Twenty-sixth Revised Sheet No. 4

East Tennessee states that the tariff sheets reflect a Gas Research Institute (GRI) Rate Adjustment provision and the first Current Rate Adjustment thereunder. East Tennessee proposes an effective date of June 1, 1978 for these tariff sheets.

East Tennessee states that copies of the filing have been mailed to all its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 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.

[FER Doc. 78-10501 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

## EL PASO NATURAL GAS CO.

## Tariff Filing

APRIL 12, 1978.

Take notice that on April 6, 1978, El Paso Natural Gas Co. ("El Paso") filed, pursuant to Part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act, the following tariff sheets to its Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A tariff:

Tariff sheet No.	Tariff volume No.
2d substitute 21st revised sheet No. 3-B..	Original vol. No. 1.
2d revised sheet No. 68.....	Do.
Original sheet No. 68-A.....	Do.
Original sheet No. 68-B.....	Do.
2d substitute 11th revised sheet No. 1-D.	3d revised vol. No. 2.
Substitute 3d revised sheet No. 1-D.2.....	Do.
2d substitute 13th revised sheet No. 1-C.	Original vol. No. 2A.
1st substitute 10th revised sheet No. 1-D	Do.

El Paso states the tendered tariff sheets provide for the establishment of a Gas Research Institute ("GRI") General Research, Development and Demonstration Funding Unit Adjustment Provision ("GRI Funding Adjustment") which is to be applicable to certain sales and transportation deliveries by El Paso to certain of its customers as provided in El Paso's FERC Gas Tariff, Original Volume Nos. 1 and 2A and Third Revised Volume No. 2. The proposed GRI Funding Adjustment provides for the collection by El Paso of its allocable share of the research, development and demonstration ("R.D. & D.") financing arrangement for GRI, as proposed in its application as supplemented, on file with the Commission at Docket No. RM77-14, and approved by the Commission's Opinion No. 11 and accompanying order issued March 22, 1978, at Docket No. RM77-14. The initial charge proposed to be collected by El Paso is 0.12 cent per Mcf.

El Paso further states that Opinion No. 11 and order at Docket No. RM77-14 provides that the jurisdictional members of GRI may collect in advance the approved Funding Payment under effective tariff provisions forty-five (45) days from the date of the order which, in the case of El Paso's instant tender, would make the collection of such payment effective, with a corresponding change date of El Paso's applicable jurisdictional rates, on May 6, 1978. In this regard, on November 29, 1977, El Paso filed with the Commission a Notice of Change in Rates at Docket No. RP78-18, which filing is presently under suspension until June 1, 1978, when it shall become effective, subject to refund, upon El Paso filing a motion in accordance with the applicable provisions of the Natural Gas Act.<sup>1</sup> As a matter of administrative convenience to its customers and in order to avoid frequent revision to its rates, El Paso requested that the Commission, to the

<sup>1</sup>See "Order Rejecting Proposed Rate Increase, Accepting for Filing and Suspending Proposed Alternative Rate Increase, Initiating Hearing, Establishing Procedures and Granting Interventions" issued December 30, 1977, at Docket No. RP78-18.

extent deemed necessary, grant waiver of the aforementioned provisions of its order issued March 22, 1978, at Docket No. RM77-14 and its Rules and Regulations so as to permit the tendered tariff sheets and El Paso's initial GRI Funding Adjustment to become effective on June 1, 1978, concurrent with the end of the suspension period for El Paso's notice of change filed at Docket No. RP78-18. As the proposed tariff provision provides, subsequent GRI Funding Adjustments are to become effective on either April 1 or October 1 of each year coincident with the currently effective PGAC adjustment dates contained in El Paso's tariff or such other date during each year as may be requested by El Paso and approved by the Commission.

El Paso also states that copies of the instant tender have been served upon all affected customers served under El Paso's FERC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A and all interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff tender should, on or before May 1, 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 any 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FER Doc. 78-10502 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

## MICHIGAN WISCONSIN PIPE LINE CO.

## Proposed Changes in FPC Gas Tariff

APRIL 12, 1978.

Take notice that on April 6, 1978 Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) tendered for filing revised tariff sheets to its FPC Gas Tariff Second Revised Volume No. 1 to be effective June 1, 1978 as follows:

Eighth Revised Sheet No. 1  
First Revised Sheet No. 27E(III)  
Original Sheet No. 27E(IV)

Twentieth Revised Sheet No. 27f

Michigan Wisconsin states that this filing reflects a new section 17 under the General Terms and Conditions of its FPC Gas Tariff and a rate change of 0.12 cent per Mcf, both related to Opinion No. 11 at Docket No. RM77-14 issued by the Commission on March 22, 1978, whereby the Commission approved the Gas Research Institute's initial application for a 5 year industry-wide Research, Development and Demonstration program, and authorized \$9.5 million related first-year funding and corresponding pipeline R. D. & D. rate adjustment provisions.

Michigan Wisconsin further states that copies of this filing have been mailed to its customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 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. 78-10503 Filed 4-18-78; 8:45 am]

[6740-02]

**MIDWESTERN GAS TRANSMISSION CO.**

[Docket No. RM77-14]

**Tariff Filing for the Gas Research Institute Rate Adjustment Provision**

APRIL 12, 1978.

Take notice that on April 6, 1978 Midwestern Gas Transmission Co. (Midwestern) tendered for filing the following tariff sheets to its FERC Gas Tariff:

**THIRD REVISED VOLUME No. 1**

Original Sheet No. 95H  
First Revised Sheet No. 95G  
Second Revised Sheet No. 43  
Fifth Revised Sheet No. 5A  
Twenty-second revised Sheet No. 5

**ORIGINAL VOLUME No. 2**

First Revised Sheet No. 52 and 62K

Midwestern states that the tariff sheets reflect a Gas Research Institute (GRI) Rate Adjustment provision and the first Current Rate Adjustment thereunder. Midwestern proposes an effective date of June 1, 1978 for these tariff sheets.

Midwestern states that copies of the filing have been mailed to all its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filings should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 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. 78-10504 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. CP76-285]

**MOUNTAIN FUEL RESOURCES, INC.**

**Fifth Amendment to Abbreviated Application for Certificate of Public Convenience and Necessity and Petition to Amend Temporary Certificate**

APRIL 11, 1978.

Take notice that on April 3, 1978, Mountain Fuel Resources, Inc. (Resources), filed in Docket No. CP76-285, a fifth amendment to its application pursuant to section 7(c) of the Natural Gas Act concerning the development and operation of the Clay Basin Storage Field in Daggett County, Utah.

By this Amendment, Resources seeks authorization to extend its underground natural gas storage activities for Clay Basin Storage Co. (Storage Co.), for the benefit of El Paso Natural Gas Co. (El Paso), through September 30, 1980. The Applicant states that it, along with Northwest Pipeline Corp. (Northwest), Storage Co., and El Paso have entered into an amended agreement dated March 15, 1978, by which El Paso will deliver natural gas to Northwest for delivery to Resources for injection and storage for Storage Co.'s account during injection periods, and subject to Northwest having pipeline capacity to transport such volumes, Storage Co. may withdraw up to the maximum daily capacity of the storage reservoir, less Northwest's daily nomination or 150,000 Mcf, whichever is less. Storage Co. will cease all injections or withdrawals from storage by April 30, 1980, and title to any remaining volumes in Storage Co.'s account as of May 1, 1980, will be transferred to Northwest in

place in accordance with a transportation and exchange agreement between Northwest, El Paso, and Storage Co. by September 30, 1980.

All natural gas injected for Storage Co.'s account will be considered to be working gas and Storage Co. will pay a charge for the use of Northwest's cushion gas which will be added to Resources' monthly billing to Storage Co. and credited to Resources' monthly billing to Northwest.

The Applicant further states that no new facilities will be required under the proposal, although it will be necessary to continue the utilization of presently installed temporary compression operated by both Resources and El Paso. Applicant has requested a May 1, 1978 effective date to correspond with the commencement of the 1978 injection season and the expiration of the previously granted injection authorization relating to Storage Co. natural gas volumes.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 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 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 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. 78-10505 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

**NATIONAL FUEL GAS SUPPLY CORP.****Proposed Tariff Change**

APRIL 12, 1978.

Take notice that on April 5, 1978, National Fuel Gas Supply Corp. (National) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Seventeenth Revised Sheet No. 4, First Revised Sheet No. 36A, Second Revised Sheet No. 37 and Original Sheet No. 37A, proposed to be effective June 1, 1978.

National states that the purpose of these tariff sheets is to establish a Gas Research Institute Charge Adjustment Provision in the General Terms and Conditions of its tariff and to establish the initial charge of 0.12¢ per Mcf as authorized by Opinion 11 issued March 22, 1978, in Docket No. RM77-14.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 1, 1978. Protests will be considered by the Commission in determining the appropriate parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10506 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. CP78-263]

**NATURAL GAS PIPELINE CO. OF AMERICA****Application**

APRIL 11, 1978.

Take notice that on March 30, 1978, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP78-263 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Northwest Pipeline Corp. (Northwest), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Applicant is negotiating to purchase gas

from an extensive area of Northeastern Utah in Uintah and Grand Counties, and that such reserves are located at a considerable distance from Applicant's transmission system. Northwest's transmission system is the only existing pipeline available in this area to transport Applicant's gas, it is said.

Consequently, Applicant and Northwest have entered into a 20-year gas purchase, gathering, and transportation agreement dated December 20, 1977, which agreement provides, inter alia, that Northwest would gather and transport up to 25,000 Mcf of gas per day tendered by Applicant from its area of interest, it is stated. It is further stated that Northwest would deliver such gas to El Paso Natural Gas Co. (El Paso) for the account of Applicant, at an existing point of interconnection between the facilities of Northwest and El Paso in La Plata County, Colo., and that El Paso would redeliver said gas to Applicant at an existing authorized delivery point between El Paso and Applicant located in Ward County, Tex. (Lockridge Delivery Point), or at Lea County, N. Mex., at a point to be constructed upon receipt of authorization in pending Docket No. CP78-138.

The application indicates that Applicant has or would shortly have under contract with Willard Pease, Anschutz Corp. and NARMCO (a subsidiary of Applicant) the right to purchase gas from the Bar Creek No. 1 Federal Well in Grand County, Utah, and that pursuant to the terms of the agreement, Northwest is obligated to construct the necessary facilities to connect said well and any future wells to its gathering system and transport volumes produced therefrom for redelivery to El Paso for Applicant's account.

Applicant states that as a condition to Northwest's agreement to provide gathering and transportation of Applicant's gas, Applicant proposes to sell to Northwest 25 percent of all gas delivered under the agreement from the Bar Creek No. 1 Federal well and all other wells that may be developed in the future within the area of interest. Applicant states that it would sell such gas to Northwest at a price based on the cost of gas purchased from each well. Applicant further states that it would also reimburse Northwest for its cost-of-service for gathering the gas which it transports for Applicant, and that it would initially pay Northwest 8.0 cents per Mcf for volumes transported under the subject agreement from the point of delivery in Northwest's transmission system to the point of redelivery to El Paso for Applicant's account.

Any person desiring to be heard of to make any protest with reference to said application should on or before May 3, 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. 78-10507 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

**NATURAL GAS PIPELINE CO. OF AMERICA****Gas Research Institute Adjustment to Rates and Charges**

APRIL 12, 1978.

Take notice that on April 5, 1978, Natural Gas Pipeline Co. of America (Natural) submitted for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets, to be effective June 1, 1978:

Thirty-fourth Revised Sheet No. 5.  
Ninth Revised Sheet No. 5A.  
Original Sheet No. 5B.  
Original Sheet No. 145.  
Original Sheet No. 146.

Natural states that the purpose of this filing is to add to the General Terms and Conditions of Natural's FERC Gas Tariff a section 26, which provides a procedure to collect a Gas Research Institute surcharge as authorized by Commission Opinion No.

11 issued on March 22, 1978 in Docket No. RP77-14. The initial surcharge, effective June 1, 1978, is 0.12¢ as set forth on Sheet No. 5 of Natural's FERC Gas Tariff.

Copies of this filing have been mailed to Natural's jurisdictional customers and to interested state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 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 application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10508 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

NORTHWEST PIPELINE CORP.

Tariff Filing

APRIL 12, 1978.

Take notice that on April 6, 1978, Northwest Pipeline Corp. ("Northwest") tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1 the following tariff sheets:

Original Sheet Nos. 61 through 63.

These sheets will, when accepted and made effective by the Commission, establish section 17, "Gas Research Institute Charge Adjustment Provision" as part of the General Terms and Conditions of said Tariff as provided by FERC Opinion No. 11, issued March 22, 1978, at Docket No. RM77-14. At the request of its customers, Northwest proposes to provide for deferring any rate adjustment until its next purchased gas cost adjustment on October 1, 1978. Northwest will, however, make current payments to the Gas Research Institute from June 1, 1978, until October 1, 1978, and states that on October 1, 1978, it will institute a current rate adjustment to its customers and a surcharge to recover the payments made between June 1, 1978, and October 1, 1978. As more fully explained in Northwest's filing, the annual amount generated by Northwest for payment to the Gas Research Institute is approximately \$394,000. The proposed effective date of this filing is June 1, 1978.

A copy of this filing is being served on all jurisdictional customers of Northwest and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 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. 78-10509 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. CP78-265]

PANHANDLE EASTERN PIPE LINE CO.

Application

APRIL 11, 1978.

Take notice that on March 30, 1978, Panhandle Eastern Pipe Line Co. (Applicant), P.O. Box 1642, Houston, Tex. 77001, filed in Docket No. CP78-265 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 a new Danville No. 3 measurement and regulation station (Station) on its Hoopston Lateral, situated in Vermilion County, Ill. all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the new station which would be utilized by Applicant to deliver a portion of the volumes of gas purchased by Illinois Power Co. (IPC), one of Applicant's existing resale customers, pursuant to Applicant's Rate Schedule G-2. It is stated that Applicant would shift a portion of those volumes of gas presently being delivered from the existing Danville delivery points to the new Danville delivery point.

The application states that IPC is the natural gas distributor which serves retail customers in the Danville, Ill. area, and that there is a rather large body of water, Lake Vermilion, situated on the west side of Danville. The application further states that approximately 200 of IPC's customers are situated west of Lake Vermilion, and that the service line used by IPC

to provide natural gas for its customers west of Lake Vermilion presently is connected to IPC's distribution system on the underside of a vehicular bridge, which transverse Lake Vermilion (Denmark Road bridge).

It is indicated that IPC has advised Applicant that a project is underway to replace the existing Denmark Road bridge, and that the Denmark Road bridge replacement project would result in an isolation of IPC's customers west of Lake Vermilion. IPC has requested the assistance of Applicant in dealing with the problem created for it and its retail customers resulting from the bridge replacement project, it is said. Applicant indicates that IPC has asked it to establish a new Danville delivery point on Applicant's Hoopston Lateral. The natural gas delivered to IPC would be a portion of IPC's present contract entitlement pursuant to Applicant's Rate Schedule G-2 and would be utilized by IPC in serving its existing customers west of Lake Vermilion, it is stated.

Applicant states that in order to establish a new Danville delivery point for natural gas to be supplied to IPC, it would be necessary for Applicant to construct and place in service additional facilities. Consequently, Applicant proposes to construct and operate additional facilities necessary to establish a new delivery point of natural gas to IPC on Applicant's Hoopston Lateral.

It is stated that IPC at its cost and expense would secure a suitable site for the location of the new Station, and IPC would at its cost and expense install a security fence at the Station location. The Station would be designed to provide for a gas flow availability of 100 Mcf per hour. Applicant indicates that the cost of the new facilities to be constructed by it is estimated to be \$15,000, which cost Applicant proposes to finance from general funds available to it.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 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 sub-

ject 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. 78-10510 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

**PANHANDLE EASTERN PIPE LINE CO.**

**Change in Tariff**

APRIL 12, 1978.

Take notice that on April 6, 1978, Panhandle Eastern Pipe Line Co. (Panhandle) tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 1:

Twenty-third Revised Sheet No. 3-A.  
Original Sheet No. 3-B.  
Original Sheet No. 43-5.

An effective date of June 1, 1978 is proposed.

Panhandle states that this filing is made pursuant to Ordering Paragraph (G) of Opinion No. 11 issued March 22, 1978, in Docket No. RM77-14. This Opinion authorizes members of the Gas Research Institute (GRI) to file RD&D cost adjustment provisions which would permit the collection of 1.2 mills per Mcf of Program Funding Services for payment to GRI.

Panhandle states that copies of this filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 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. 78-10511 Filed 4-18-78; 8:45 am]

[6740-02]

[Project No. 2216]

**POWER AUTHORITY OF THE STATE OF NEW YORK**

**Petition for Declaratory Order**

APRIL 12, 1978.

Public notice is hereby given that a petition was filed on March 6, 1978, under the Federal Power Act (16 U.S.C. 791a-825c), by the Power Authority of the State of New York (PASNY) (Correspondence to: Lewis R. Bennett, Esq., Power Authority of the State of New York, 10 Columbus Circle, New York, N.Y. 10019) for a declaratory order concerning the interpretation of article 22 of the license granted by the Federal Power Commission for the Niagara River Project No. 2216 on January 30, 1958, 19 FPC 186.

Pursuant to article 22, PASNY sells to Niagara Mohawk Power Corp. (Niagara Mohawk) 445,000 kilowatts (kW) of power from Project No. 2216. PASNY claims that the provisions of article 22 of the license for Project No. 2216 requires Niagara Mohawk to make the entire 445,000 kW of power available to industries located in the western New York area. PASNY also states that Niagara Mohawk has taken the position that it is only required to sell 273,000 kW of said power to industries in western New York.

PASNY has requested that the Commission investigate this matter, and receive such evidence or representations and hold such hearings as may be necessary to support PASNY's request that Niagara Mohawk be required to make the entire 445,000 kW of power available to any industries in western New York which are willing to purchase and use such power regardless of whether such industries or their predecessors actually received power from Niagara Mohawk's former Adams and Schoellkopf Project No. 16.

Any person desiring to be heard or to make any protests with reference to said application should on or before May 25, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., 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 (1975). 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 in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

The Petition For Declaratory Order is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10512 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. CP78-267]

**SOUTHERN NATURAL GAS CO. AND TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.**

**Application**

APRIL 12, 1978.

Take notice that on March 31, 1978, Southern Natural Gas Co. (Southern), P.O. Box 2563, Birmingham, Ala. 35202, and Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Tex. 77001, (Applicants) filed in Docket No. CP78-267 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the exchange of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants propose the following:

(a) The construction of the Bear Creek Pipeline consisting of approximately 22 miles of 36-inch O.D. pipeline, the necessary regulating facilities, and other related facilities to be jointly and equally owned by Southern and Tennessee, such pipeline to be interconnected with and extend from Tennessee's existing Nachitoches-Portland Pipeline to the proposed facilities of Bear Creek.

(b) The operation of the Bear Creek Pipeline by Tennessee for the purpose of delivering and receiving natural gas for Applicants' account to and from Bear Creek.

(c) The construction of the Ysloskey Pipeline consisting of approximately nine miles of 24-inch O.D. pipeline and other related facilities to be jointly and equally owned by Southern and Tennessee, such pipeline to be interconnected with and extend from the Ysloskey Compressor Station on the Tennessee system to and be interconnected with the Toca Compressor Station on Southern's System.

(d) The operation of the Ysloskey Pipeline by Tennessee for the purpose of exchanging gas as described in the Gas Exchange Agreement dated February 16, 1978 between Southern and Tennessee (Exchange Agreement).

(e) The installation, ownership and operation by Southern of one 2,000 horsepower compressor unit at Southern's Enterprise Compressor Station located in Clarke County, Miss. needed to enable Southern to receive gas from Tennessee at the proposed Rose Hill Delivery Point.

(f) The exchange of gas as described in the Exchange Agreement.

(g) The establishment of a delivery point (to be called the Rose Hill Delivery Point) at the interconnection of Tennessee's Delta-Portland line and Southern's existing 18-inch O.D. and 26-inch O.D. South Main lines for the exchange of gas as proposed in this application and the accompanying exhibits.

(h) The establishment of a delivery point (Toca Delivery Point) at the point where the proposed Yscloskey Pipeline will interconnect with the existing pipeline facilities of Southern at Southern's Toca Compressor Station for the purpose of exchanging gas as proposed in this application and the accompanying exhibits.

(i) The utilization of a delivery point (Bear Creek Delivery Point) to be established by Bear Creek Storage Company (Bear Creek) at the interconnection of the proposed Bear Creek Pipeline and the facilities of Bear Creek for the purpose of exchanging gas as proposed in this application and the accompanying exhibits. Bear Creek has applied in the application filed concurrently in Docket No. CP78-266 for authority to construct the facilities to be utilized at the Bear Creek Delivery Point.

Applicants indicate that the Bear Creek Pipeline and the Yscloskey Pipeline would be jointly and equally owned by them and that both pipelines would be constructed and operated under Tennessee's supervision. Applicants further indicate that the Bear Creek Pipeline would extend from Tennessee's existing Nachitoches-Portland Pipeline to the proposed storage facilities of the Bear Creek at the Bear Creek Field in Bienville Parish, Louisiana. It is stated that the Bear Creek Pipeline would be utilized (i) to deliver to Bear Creek gas that Applicants propose to sell to Bear Creek and (ii) to deliver and receive natural gas for Applicant's account to and from Bear Creek for storage and for uses related to such storage. It is further stated that the Yscloskey Pipeline would extend from Tennessee's Yscloskey Compressor Station to Southern's Toca Compressor Station and would be utilized to provide gas exchange service between Tennessee and Southern as proposed herein.

The application states that the exchange agreement would enable Southern to obtain a storage service from Bear Creek without the necessity of constructing extensive additional

pipeline facilities, and that pursuant to such exchange agreement, during periods when Southern requests the injection of gas into Bear Creek, Tennessee would accept deliveries of up to 200,000 Mcf per day of gas from Southern and such additional volumes as capacity allows, on a best efforts basis, at the proposed Rose Hill Delivery Point and would simultaneously redeliver an equivalent volume of gas to Bear Creek for injection into storage for Southern's account. It is stated that during periods when Southern requests withdrawal of gas from Bear Creek, Tennessee would accept for Southern's account deliveries of up to 275,000 Mcf per day of gas from Bear Creek and such additional volumes as capacity allows, on a best efforts basis, and that Tennessee would simultaneously redeliver equivalent volumes to Southern at the proposed Rose Hill Delivery Point and at the proposed Toca Delivery Point pursuant to the exchange agreement. From time to time, upon mutual agreement between Southern's dispatcher and Tennessee's dispatcher, (i) other existing authorized delivery points may be used to effect the exchanges between Southern and Tennessee necessary to accomplish the injection and withdrawal of gas to and from Bear Creek for the account of Southern and (ii) the volumes to be exchanged pursuant to the exchange agreement may be increased, it is said.

Applicants state that the proposed Bear Creek Pipeline would connect Tennessee's existing system with the storage facilities of Bear Creek and would be operated by Tennessee to deliver and receive gas to and from Bear Creek both for Tennessee's account and pursuant to the exchange agreement, for the account of Southern. Applicants further state that the proposed Yscloskey Pipeline connecting Tennessee's existing system would be operated by Tennessee to deliver exchange gas to Southern.

Applicants indicate that the Bear Creek Pipeline and related facilities would cost an estimated \$14,435,460, and that the Yscloskey Pipeline, measuring facilities, and other related facilities proposed to be constructed at the Toca Delivery Point would cost an estimated \$6,653,790. The measuring facilities and related piping proposed to be constructed at the Rose Hill Delivery Point would be completed at an estimated cost of \$949,250, and the compressor facilities proposed to be constructed at Southern's Enterprise Compressor Station is estimated to cost approximately \$2,023,200, it is stated. It is further stated that all proposed facilities are to be jointly owned by Applicants and are to be constructed and operated by Tennessee with the exception of (i) the measuring facilities at the Toca Delivery Point and

at the Rose Hill Delivery Point which would be operated by Southern and (ii) the compressor facilities, which facilities are to be constructed, owned and operated by Southern. Applicant indicated that the cost of constructing the proposed facilities would be financed from bank loans which would be repaid from cash from current operations and from permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-10513 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

APRIL 12, 1978.

Take notice that Southern Natural Gas Co. (Southern), on April 6, 1978, tendered for filing proposed changes to its FPC Gas Tariff, Sixth Revised

Volume No. 1, to become effective on June 1, 1978. Such filing is pursuant to the Commission's Order issued March 22, 1978 in Docket No. RM77-14 which enables the companies that are members of the Gas Research Institute to recover a general R&D funding unit in the amount of 1.2 mills (\$0.0012) per Mcf for Program Funding Services.

Copies of the filing are being served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 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. 78-10514 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

TENNESSEE GAS PIPELINE COMPANY, A  
DIVISION OF TENNECO INC.

Tariff Filing for the Gas Research Institute Rate  
Adjustment Provision

APRIL 12, 1978.

Take notice that on April 6, 1978 Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee) tendered for filing the following tariff sheets to its FERC Gas Tariff:

NINTH REVISED VOLUME NO. 1

Original Sheet Nos. 213Q and 213O.  
First Revised Sheet No. 2130.  
Second Revised Sheet No. 213L.  
Twenty-first Revised Sheet Nos. 12A and 12B.

SIXTH REVISED VOLUME NO. 2

First Revised Sheet No. 267K.

Tennessee states that the tariff sheets reflect a Gas Research Institute (GRI) Rate Adjustment provision and the first Current Rate Adjustment thereunder. Tennessee proposes an effective date of June 1, 1978 for these tariff sheets.

Tennessee states that copies of the filing have been mailed to all its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 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. 78-10515 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

APRIL 12, 1978.

Take notice that Texas Eastern Transmission Corp. on April 5, 1978 tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Revised Fortieth Revised Sheet No. 14.  
First Revised Sheet No. 116.  
Original Sheet No. 117.  
First Revised Sheet Nos. 118-141.

Texas Eastern is issuing the above tariff sheets to incorporate in its FERC Gas Tariff a provision for the collection of monies from its customers for remittance to Gas Research Institute (GRI). Texas Eastern represents that the proposed tariff sheets are in full compliance with the Commission's requirements as reflected in Opinion No. 11, issued March 22, 1978 in Docket No. RM77-14.

The proposed effective date of the above tariff sheets is June 1, 1978.

Copies of the filing were served on the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 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. 78-10516 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

TRANSWESTERN PIPELINE CO.

Proposed Changes in FERC Gas Tariff

APRIL 12, 1978.

Take notice that Transwestern Pipeline Co. (Transwestern) on April 5, 1978 tendered for filing as a part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

Revised Ninth Revised Sheet No. 5.  
First Revised Sheet No. 79.  
Original Sheet No. 80.  
First Revised Sheet Nos. 81-104.

Transwestern is issuing the above tariff sheets to incorporate in its FERC Gas Tariff a provision for the collection of monies from its customers for remittance to Gas Research Institute (GRI). Transwestern represents that the proposed tariff sheets are in full compliance with the Commission's requirements as reflected in Opinion No. 11, issued March 22, 1978 in Docket No. RM77-14.

The proposed effective date of the above tariff sheets is June 1, 1978.

Copies of the filing were served on the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 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. 78-10517 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

TRUNKLINE GAS CO.

Change in Tariff

APRIL 12, 1978.

Take notice that on April 6, 1978, Trunkline Gas Co. (Trunkline) ten-

dered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 1:

Twenty-second Revised Sheet No. 3-A.  
Original Sheet No. 21-K.  
Original Sheet No. 21-L.

An effective date of June 1, 1978 is proposed.

Trunkline states that this filing is made pursuant to Ordering Paragraph (G) of Opinion No. 11 issued March 22, 1978 in Docket No. RM77-14. This Opinion authorizes members of the Gas Research Institute (GRI) to file R.D. & D. cost adjustment provisions which would permit the collection of 1.2 mills per Mcf of Program Funding Services for payment to GRI.

Trunkline states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 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. 78-10518 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket Nos. CP77-525; CP77-529]

UNITED GAS PIPE LINE CO. AND DELHI GAS  
PIPELINE CORP.

Request for Order of Interpretation or Petition  
To Amend

APRIL 11, 1978.

Take notice that on March 31, 1978, Delhi Gas Pipeline Corp. (Petitioner), Fidelity Union Tower Building, Dallas, Tex. 75201, filed in Docket Nos. CP77-525 and CP77-529 a request for an order interpreting the Commission order of December 15, 1977, issued in said dockets pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the petition on file with the Commission and open to public inspection.

It is indicated that on July 25, 1977, Petitioner filed in these proceedings its petition for a declaratory order affirming its continued non-jurisdictional status in the event it commences a

delayed exchange of gas with United Gas Pipe Line Co. (United). It is further indicated that in its petition, Petitioner indicated that the exchange deliveries from it to United would take place at United's facilities located at the outlet of Champlin Carthage Gasoline Plant in Panola County, Tex., and at other mutually agreeable points on United's pipeline system. By order of December 15, 1977, the petition was denied, but Petitioner was granted a certificate to effect such exchange, and the delivery point was limited to the outlet of the Champlin plant in Panola County, Tex., unless otherwise expressly authorized by the Commission.

Petitioner states that it now finds it impracticable to limit the delivery point to the outlet of such plant, and that there is a convenient point of connection approximately 1,000 feet south of said plant. Gas delivered at this point would not pass through the Champlin Carthage Gasoline plant, it is stated.

Consequently, Petitioner respectfully requests that the Commission issue an order broad enough to include this location as being in compliance with said order; or in the alternative, amend its order adding this location as an additional point.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 3, 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. 78-10519 Filed 4-18-78; 8:45 am]

[6740-02]

[Docket No. RM77-14]

UNITED GAS PIPE LINE CO.

Filing of Original and Revised Tariff Sheets

APRIL 12, 1978.

Take notice that on April 6, 1978, United Gas Pipe Line Co. (United) filed with the Federal Energy Regulatory Commission (Commission) the following tariff sheets as a part of its FERC Gas Tariff:

FIRST REVISED VOLUME No. 1

Original Sheet No. 74-J.

Original Sheet No. 74-K.  
Forty-third Revised Sheet No. 4.

ORIGINAL VOLUME No. 2

Seventh Revised Sheet No. 187.  
First Revised Sheet No. 397.  
First Revised Sheet No. 401.  
First Revised Sheet No. 407.  
First Revised Sheet No. 909.  
Second Revised Sheet No. 957

The original tariff sheets are being filed to provide for the Gas Research Institute Charge Adjustment Provision as approved by the Commission in Opinion No. 11, issued March 22, 1978 in Docket No. RM77-14. The revised tariff sheets are being filed to reflect in United's rates the Gas Research Institute adjustment charge approved by the Commission in the above-referenced Opinion. United Requests that the attached original and revised tariff sheets be accepted for filing and permitted to become effective June 1, 1978.

A copy of the letter of transmittal and revised tariff sheets are being mailed to United's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 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. 78-10520 Filed 4-18-78; 8:45 am]

[3128-01]

Southwestern Power Administration

TENTATIVE SYSTEM POWER RATES

Opportunities for Public Review and Comment

AGENCY: Southwestern Power Administration (SWPA), Department of Energy.

ACTION: Notice of Tentative System Power Rates and Opportunities for Public Review and Comment.

SUMMARY: The Administrator, SWPA, has made a current power repayment study and a revised power repayment study showing the need for a \$20 million increase in annual re-

enues to meet cost recovery criteria. He also has developed tentative system rate schedules, supported by a rate design study, to obtain the necessary revenues. Opportunities will be presented for customers and other interested persons to receive copies of the studies, to participate in a public information forum and a public comment forum, and to submit written comments. Following review of the oral and written comments and other information received, the Assistant Secretary for Resource Applications will announce a proposed decision and send his proposal to the Economic Regulatory Administration (ERA) for confirmation and approval. The ERA will allow the public an opportunity to make written comments on the proposal before a final decision is made by ERA.

**DATES:** The Public Information Forum will be held on May 18, 1978, in Tulsa, Okla. The Public Comment Forum will be held on June 22, 1978, in Tulsa, Okla. Written comments on the proposed rate schedules are due on or before July 17, 1978.

**ADDRESSES:** Five copies of the written comments should be submitted to the Administrator, Southwestern Power Administration, U.S. Department of Energy, P.O. Box 1619, Tulsa, Okla. 74101. Five copies should also be submitted to the Assistant Secretary for Resource Applications, U.S. Department of Energy, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. The public forums will be at 9:30 a.m., in Room 3469 of the Page Belcher Federal Building, 333 West 4th Street, Tulsa, Okla.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Walter M. Bowers, Chief, Division of Power Marketing Southwestern Power Administration, Department of Energy, P.O. Box 1619, Tulsa, Okla. 74101, 918-581-7529.

**SUPPLEMENTARY INFORMATION:** The U.S. Department of Energy was created by an Act of the U.S. Congress, Department of Energy Organization Act, Pub. L. 95-91, dated August 4, 1977, and the SWPA power marketing activities were transferred from the Department of the Interior to the Department of Energy, effective October 1, 1977.

SWPA markets power from 21 multiple-purpose reservoir projects with power facilities constructed and operated by the U.S. Corps of Engineers. By 1980, two additional projects presently under construction will be completed, bringing the total to 23 projects with 2.1 million kilowatts of power for which SWPA will have marketing responsibility. These projects are located in the States of Arkansas, Missouri, Oklahoma, and Texas.

SWPA's marketing area includes these States plus Kansas and Louisiana.

Three projects are or will be isolated hydraulically and electrically from the SWPA transmission system and marketed under contracts through which the customer purchases the entire power output of the project at the dam. Separate Power Repayment Studies are prepared for each, and each has special rates which do not affect this proposal. The 20 projects to which the tentative rate schedules apply are interconnected through SWPA's transmission system and exchange agreements with other utilities.

Following departmental guidelines, the Administrator, SWPA, prepared a current power repayment study using existing system rates. This study shows that the legal requirement to repay the power investment with interest is not being met. A revised power repayment study was then made which shows that additional annual revenues of \$20 million (a 42 percent increase) are needed. Tentative system rate schedules supported by a rate design study to obtain the necessary revenues were then prepared.

Copies of the tentative rate schedules, the rate design study, and power repayment studies will be mailed to all SWPA customers and others who have expressed an interest in the subject.

A Public Information Forum will be held on May 18, 1978, in Room 3469 of the Page Belcher Federal Building, 333 West 4th Street, Tulsa, Okla., at 9:30 a.m., to explain to the public the tentative rate schedules and supporting studies. Comments may be received from interested persons. The forum will be conducted by a chairman who will be responsible for orderly forum procedure. Questions raised at the forum concerning the schedules and studies will be answered, to the extent possible, at the forum. Questions not answered at the forum will be answered in writing at least fifteen days before the public comment forum described below, except that questions that involve voluminous data contained in SWPA records may best be answered by consultation and review of pertinent records at SWPA offices.

A Public Comment Forum will be held on June 22, 1978, at the same time and location mentioned for the Public Information Forum. At the Public Comment Forum, interested persons may submit written comments or make oral presentations of their views and comments. The forum will be conducted by a chairman who will be responsible for orderly procedure. SWPA representatives will be present, and they and the chairman may ask questions of the speakers. Persons interested in speaking should submit a request to the Administrator, SWPA,

at least three (3) days before the forum so a speakers' list can be developed. The chairman may allow others to speak if time permits.

A transcript of each forum will be made. Copies of the transcript and of all documents introduced will be available on request for a fee.

Written comments on the tentative rates schedules are due on or before July 17, 1978. Five copies of the written comments should be submitted to the Administrator, Southwestern Power Administration, U.S. Department of Energy, P.O. Box 1619, Tulsa, Okla. 74101. Five copies should also be submitted to the Assistant Secretary for Resource Applications, U.S. Department of Energy, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Following review of the oral and written comments and the information gathered in the course of the proceedings, the Assistant Secretary for Resource Applications will announce a proposed decision on rates and send his proposal to the ERA for confirmation and approval. The ERA will allow the public an opportunity to make written comments on the proposal before a final decision is made by the ERA.

Issued in Washington, D.C., April 13, 1978.

WILLIAM S. HEFFELFINGER,  
Director of Administration.

[FR Doc. 78-10479 Filed 4-18-78; 8:45 am]

[6560-01]

**ENVIRONMENTAL PROTECTION  
AGENCY**

[FRL 884-8]

**ATMOSPHERIC COKE OVEN EMISSIONS  
EXPOSURES**

Availability of External Review Drafts of Documents Assessing the Public Health Consequences

On April 19, 1978, external review drafts of: (1) An Assessment of the Health Effects of Coke Oven Emissions, (2) Human Population Exposures to Coke Oven Atmospheric Emissions, and (3) Preliminary Estimates of Population Risks to Ambient Coke Oven Emissions Exposure, will be available. Copies are available from the Criteria Development and Special Studies Division (Attn. Elizabeth Bush, 202-426-4637), U.S. Environmental Protection Agency, RD-683, 401 M Street SW., Washington, D.C. 20460.

Comments on the documents are welcome and should be sent to the same address, attention Dr. Arthur Saz, by June 16, 1978.

Dated: April 13, 1978.

COURTNEY RIARDON,  
Acting Associate Deputy Assistant  
Administrator for Air,  
Land, and Water Use.

[FR Doc. 78-10608 Filed 4-18-78; 8:45 am]

[7615-01]

FEDERAL ELECTION COMMISSION

[Notice 1978-4]

VACATING PAST COMMISSION POLICY  
PRONOUNCEMENTS

Under the Federal Election Commission's statutory authority in 2 U.S.C. § 437c(b)(1) and § 437d(a)(9) to formulate general policy with respect to the administration of the Federal Election Campaign Act of 1971, as amended (and chapters 95 and 96 of the Internal Revenue Code of 1954), the Commission has issued a number of policy statements, interim guidelines, and other pronouncements of a policy nature which were published in the FEDERAL REGISTER. These policy materials were published between June 1975 and January 1977 as a means of expressing the Commission's interpretation and intended application of selected provisions of the act. Certain other policy pronouncements, publicized through the *FEC Record* and other means but not published in the FEDERAL REGISTER, were also issued during the stated time period.

Since the Commission's regulations were prescribed on April 13, 1977 (42 FR 19324) and the policy statements were originally conceived as only interim pronouncements, by vote of the Commission on February 9, 1978, these policy statements and other policy materials listed below have been vacated and declared to have no continuing legal effect. It should be noted, however, that any advisory opinion incorporating or applying an interpretation of the act or Commission regulations, which was also set forth in a policy statement, is of continuing validity for purposes of 2 U.S.C. § 437f.

There follows a listing of policy statements, interim guidelines, and various other policy pronouncements which are vacated. Citations to advisory opinions, and Commission responses to advisory opinion requests, are inserted with respect to particular policy statements. These opinion responses are not abrogated by the Commission's decision to vacate the listed policy pronouncements.

FEC notice No.	Publication date	Citation
1975-1	June 2, 1975	40 FR 23831
1975-3	June 16, 1975	40 FR 25440
1975-4	June 24, 1975	40 FR 26659
1975-6	June 26, 1975	40 FR 26991

FEC notice No.	Publication date	Citation
1975-9	July 7, 1975	40 FR 28578
1975-19	Aug. 5, 1975	40 FR 32952
1975-20	.....do.	40 FR 32950
1975-22	Aug. 11, 1975	40 FR 33817
1975-34	Sept. 3, 1975	40 FR 40688
1975-36	.....do.	40 FR 40871
1975-40	Sept. 9, 1975	40 FR 41933
1975-47	Sept. 22, 1975	40 FR 43660
1975-53	Sept. 29, 1975	40 FR 44706
1975-58	Oct. 9, 1975	40 FR 47891
1975-91	Dec. 17, 1975	40 FR 58617
1976-30	June 16, 1976. See Advisory Opinion (AO) 1975-12 at 40 FR 55596.	40 FR 24513
Unpublished	Issued August 30, 1976. (Funding presidential debates sponsored by League of Women Voters).	None
1976-46	October 6, 1976. See Commission's response to Advisory Opinion Request (AOR) 1976-20.	41 FR 44130
1976-50	October 6, 1976. See AO's 1976-26, 1976-74 and 1977-15.	41 FR 44130
1976-56	October 18, 1976	41 FR 45954
1976-57	.....do.	41 FR 45957
1976-73	January 12, 1977. See the Commission's responses to AOR's 1976-101 and 1976-103; also see AO's 1977-11, -24, -29, and -48 which by implication clarify some of the issues treated in the policy statement.	42 FR 2624

Dated: April 14, 1978.

THOMAS E. HARRIS,  
Chairman for the  
Federal Election Commission.

[FR Doc. 78-10567 Filed 4-18-78; 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 each of the agreements and the justifications offered therefor 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 San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by May 1, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with

particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

AGREEMENT No. 10330

Filing Party: William H. Fort, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.

Summary: Agreement No. 10330, between Companhia de Navegacao Lloyd Brasileiro and Prudential Lines, Inc., is a cargo revenue pooling and sailing agreement in the northbound trade from Brazilian ports in the Rio Grande/Rio de Janeiro range, both inclusive, to any port on the United States Pacific Coast. The agreement sets forth, among other things, individual pool shares, minimum number of required sailings, settlement and forfeiture procedures, and establishes an expiration date of December 31, 1980.

By Order of the Federal Maritime Commission.

Dated: April 14, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-10579 Filed 4-18-78; 8:45 am]

[6730-01]

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 each of the agreements and the justifications offered therefor 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 San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by May 1, 1978 in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement.

Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

#### AGREEMENT No. 9873-3

Filing Party: William H. Fort, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.

Summary: Agreement No. 9873-3, between Companhia de Navegacao Lloyd Brasileiro and Prudential Lines, Inc., restates the parties' basic cargo revenue pooling, sailing and equal access agreement in the southbound trade from United States Pacific Coast ports to ports of Brazil within the Rio de Janeiro/Rio Grande range, both inclusive. Some of the significant changes contained in this agreement are (1) there will be an equal division of cargo revenue separately for container cargoes and breakbulk cargoes; (2) minimum sailings per pool period of six months will be twelve for Prudential and six for Lloyd Brasileiro; (3) provides for a new schedule of payments; (4) allows the parties to charter space on each others' vessels; (5) provides for the establishment of a pool committee to oversee the operation of the agreement; and (6) provides that the terms of the agreement will remain in effect through December 31, 1980.

By Order of the Federal Maritime Commission.

Dated: April 14, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-10580 Filed 4-18-78; 8:45 am]

#### [6730-01]

#### CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

##### Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which has been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to part 542 of title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessels
01017	Westfal-Larsen & Co. A/S: <i>Fauskanger</i> .
01077	H. M. Wrangell & Co. A/S: <i>Hoegh Fram</i> .

Certificate No.	Owner/Operator and Vessels	Certificate No.	Owner/Operator and Vessels
01150	Chevron Transport Corp.: <i>William M. Allen</i> .	03626	A/S Moslash Shipping Co.: <i>Acadia Forest</i> .
01185	Aksjeselskapet Kosmos: <i>Janita</i> .	03640	Pan Ocean Bulk Carriers, Ltd: <i>Pan Trader</i> .
01189	A/S Haanes Rederi: <i>Gimlevang</i> .	03690	The Harbor Tug and Barge Co.: <i>Barge 1927</i> .
01425	Johnston Warren Lines, Ltd: <i>Tropic</i> .	03692	Marmac Corp.: <i>GBL-7</i> .
01460	Evan Thomas Radcliffe and Co. Ltd.: <i>Stoll Llandaff</i> .	03733	Great Lakes Dredge & Dock Co.: <i>G.L. No. 17</i> .
01466	Common Brothers (Management) Ltd.: <i>City of Pretoria</i> .	03744	Ocean Fisheries, Inc.: <i>Royal Pacific</i> .
01502	Moore-McCormack Lines, Inc.: <i>Mormac-bay</i> .	04275	Intercounty Construction Corp.: <i>Car Float 2033, Barge No. 2051, Barge No. 2011, Barge No. 2010</i> .
01529	Oy Pulpships AB: <i>Mistral, Matal, For-rano</i> .	04283	Gulf of Georgia Towing Co., Ltd.: <i>Gulf Joan</i> .
01547	Costa Armatori S.P.A.: <i>Franca C</i> .	04347	Maroceano Compania Naviera S.A.: <i>Paikon</i> .
01574	Pearlley & Eger: <i>Ferndale</i> .	04395	Permanente Steamship Corp.: <i>Seward</i> .
01605	D'Amico Societa Di Navigazione: <i>Lorenzo D-Amico</i> .	04454	Satsumaru Kaum K.K.: <i>Satsu Maru No. 18</i> .
01641	The Bank Line Ltd: <i>Larchbank</i> .	04523	Kabushiki Kaisha Isomae Gyogyosho: <i>Isomamaru No. 1</i> .
01817	The Clan Line Steamers Ltd.: <i>Clan Mac-Intosh</i> .	04580	Marine Transport Lines, Inc.: <i>Tinos Trader</i> .
01829	Bayamon Tankers Corp.: <i>Straits Dahlia, World Brigadier</i> .	04589	Trinity Marine Corp.: <i>Trinity Mariner</i> .
01830	Cardon Tankers Corp.: <i>Vasilikos</i> .	04601	American Tunabout Association: <i>Day Island, Margaret L</i> .
01832	Aruba Tankers Corp.: <i>Straits Rose</i> .	04674	Pescanova, S.A.: <i>Fret-Fret</i> .
01857	Og. I Fa. Bernhard Schulte: <i>Helen Schulte</i> .	04824	Ocean Oil Carriers, Inc.: <i>Gaucha Pampa</i> .
01861	BP Tanker Co., Ltd: <i>British Fal, British Surveyor, British Neath</i> .	05114	N.V. Stoomvaartmaatschappij "De Maas": <i>Holendrecht</i> .
01877	Carbocoke-Societa' Di Navigazione S.P.A.: <i>Evangelista Toricelli</i> .	05180	Navigazione Arenella: <i>Punta Stella</i> .
01885	Vincent Guzzetta: <i>Guzzetta 100</i> .	05281	Slade, Inc.: <i>Hico No. 49, S-1514, S-1513</i> .
01890	A/S Billabong: <i>Star Amalfi</i> .	05520	Union Carbide Corp.: <i>GB-931, CC-221, CC-227</i> .
01913	Compagnie Fabre Societe Generale De Transports Maritimes: <i>Barraclada</i> .	05522	Burmah Oil Trading, Ltd.: <i>Burma Opal</i> .
02001	Rederiaktiebolaget Transatlantic: <i>Kratos</i> .	05704	Murmann Shipping Co.: <i>Ustyusha, Ust-tlug, Uglewalsk</i> .
02163	J. Lauritzen A/S: <i>Chilean Reefer, Nippon Reefer, Italian Reefer</i> .	05792	Korea Wonyang Fisheries Co., Ltd.: <i>Kwang Myong 73</i> .
02194	Compagnie Generale Maritime: <i>Yang Tse</i> .	05845	Shinto Kalun K.K.: <i>Shinyu Maru</i> .
02195	Welsh Overseas Freighters Ltd.: <i>Welsh Minstrel</i> .	05887	Sincere Navigation Co., Ltd.: <i>Fortune Enterprise</i> .
02199	Atlantic Richfield Co.: <i>ARCO Lube Oil, Arco Petrochem</i> .	06000	Orient Marine Associates, Ltd.: <i>Queenia</i> .
02200	State of Washington: <i>Kehloken, Klahanie, Chetzemoka</i> .	06019	Field Tank Steamship Co., Ltd.: <i>Tweed-bridge</i> .
02218	Christian Haaland: <i>North Isle</i> .	06208	Hochseefischerei Nordstern A.G.: <i>Savitta Maris, Friedrich Busse</i> .
02241	Cape Continent Shipping Co. (Proprietary) Ltd: <i>Woermann Ubangi</i> .	06374	Dalei Maritime Co., Ltd.: <i>Chieh Lung</i> .
02344	Empresa Lineas Maritimas Argentinas S.A.: <i>Rio Segundo, Rio Primero</i> .	06435	Dampskibsselskabet Den Norske Afrika-Or Australielinie, Wilhelmsens Dampskibsselskabet, A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI: <i>Temeraire</i> .
02363	Rederiet Otto Danielsens: <i>Thea Daniel-sen</i> .	06511	Associated Shipping Corp., Ltd: <i>Eastern Enterprise</i> .
02458	The China Navigation Co., Ltd.: <i>Island Chief</i> .	06762	Voyager, Inc.: <i>Voyager</i> .
02417	Norfolk, Baltimore & Carolina Line, Inc.: <i>Maryland Clipper</i> .	06877	Societe Francaise De Transports Maritimes Paris: <i>Penquer</i> .
02499	Union Oil Co. of California: <i>M 609, P.O. 2701, P.O. 2702</i> .	06921	Lee Lai Maritimes S.A.: <i>Chieh, Kang, Chieh Teh, Chieh Jen, Chieh Chuan</i> .
02500	Collier Carbon and Chemical Corp.: <i>Kenai, Sister Katingo</i> .	07225	Motorship Tankers, Inc.: <i>Atlantic Antares</i> .
02524	The Watgate Steam Shipping Co., Ltd: <i>Tamworth</i> .	07616	I.A.L.I. Industria Ittica S.P.A.: <i>Pellicano</i> .
02551	Ellerman Lines, Ltd.: <i>City of Toronto, City of Capetown</i> .	07807	D Wandel & Co.: <i>Regine</i> .
02611	Franz Hagen: <i>Otto Porr</i> .	07972	Aegean Maritime Enterprises: <i>Stoll Aegean</i> .
02615	Alfotrin Ltd.: <i>Fotini</i> .	08333	Harry Tanker Corp.: <i>Clementina</i> .
02646	Spear Shipping Co., Ltd.: <i>Astraea</i> .	08523	Pesquera Cies, S.A.: <i>Perca</i> .
02647	Swan Maritime Corp. <i>Leto</i> .	08787	Smit Internationale Zeesleep-En Bergings-bedrijf BV: <i>Smit Salvor</i> .
02648	Spherical Maritime Enterprises, Inc.: <i>Iolcoo</i> .	09156	Smego Marine Transport, Inc.: <i>SMT 104, SMT 103, SMT 101, SMT 102, SMT 412, SMT 411, SMT 410, SMT 409, SMT 416, SMT 415, SMT 414, SMT 413</i> .
02833	Joaquin Ponte Naya S.A.: <i>Pedro Menendez</i> .	09157	Sparta Towing Co., Inc.: <i>Ann Elizabeth</i> .
03398	Interessentskapet Norse Mountain: <i>Norse Transporter</i> .	09169	Zapata Ocean Resources, Inc.: <i>Anna Maria</i> .
03420	Dainichi Kalun K.K.: <i>Nissan Maru</i> .	09252	Ocean Victory, Ltd: <i>Ocean Dynamic</i> .
03428	Hachiuma Kisen K.K.: <i>Marusumi Maru, Miyagi Maru</i> .	09315	Kaigai Gyogyo K.K.: <i>Seabird No. 8</i> .
03434	Hoko Suisan K.K.: <i>Ohotsu Maru</i> .	09389	Triangle Shifting and Fleeting Service, Inc.: <i>GWG 208</i> .
03447	K.K. Kyokuyo: <i>Cherry Island, Kyokusei Maru</i> .	09589	STC Industries, Inc.: <i>Il Woo No. 58</i> .
03460	Mibae Shosen K.K.: <i>Tokelau</i> .	09893	Pesca y Congelacion de Mariscos Salmedina, S.A.: <i>El Diamante, El Quemado</i> .
03477	Nissui Shipping Corp.: <i>Matsushima Maru No. 3</i> .	09964	Pesquera Ojeda, S.A.: <i>Costa de Normandia</i> .
03501	Osaka Shosen Mitsui Senpaku K.K.: <i>Rio Grande Maru</i> .	09581	Rederi-Interessentskabet AF 21/8-1970: <i>Sonja Egholm</i> .
03505	Showa Yusen Kabushiki Kaisha: <i>Osumi Maru</i> .	10040	Tanker Trading, Inc.: <i>Trina Mullina</i> .
03511	Tamal Shosen K.K.: <i>Nikkei Maru No. 1</i> .	10224	Mercury Towing Co., Inc.: <i>Lois Vivian</i> .
03521	Tokushima Kisen K.K.: <i>Tokusan Maru, Tokuyo Maru</i> .	10225	Gemini Towing Co., Inc.: <i>Jer'e Ann</i> .
03527	Yae Senpaku K.K.: <i>Tosei Maru</i> .		
03619	United Towing Co.: <i>Cedar</i> .		

Certificate No.	Owner/Operator and Vessels
10280	Hollywood Marine Inc.: <i>S-1513</i> .
10273	Namyangsa Co., Ltd.: <i>Cipsa No. 3</i> .
10326	Cooperativa Internacional Pesquera S.A.: <i>Cipsa No. 21, Cipsa No. 22</i> .
10552	F. Laeisz Maritime & Trading Co. Ltd.: <i>Vanessa, Florida Silverbow, Xmena</i> .
10772	Flota Global S.A.: <i>Pacific Princess</i> .
10868	C.L.M. Enterprises Inc.: <i>The Duchess</i> .
10924	Kwang Il Won Yang Fisheries Co., Ltd.: <i>No. 3 Dae Won</i> .
11258	J. Jost Ohg., Hamburg: <i>Bravenes</i> .
11277	Caribe Tugboat Corp.: <i>MM 36</i> .
11303	Sea Transport Co., Inc.: <i>Micronesia Transport</i> .
11304	Issei Kalun, Yugen Kaisha: <i>Marutatsu Maru No. 28</i> .
11465	Energy Transport Services, Inc.: <i>Tche-functe, Tangpaha</i> .
11503	Sea Horse Marine, Inc.: <i>STC #12</i> .
11603	Charterhouse Shipping Co., Ltd.: <i>Naf-sika</i> .
11660	Northwestern Construction, Inc.: <i>DB 300</i> .
11721	Tepeleni Compania Naviera S.A.: <i>Poseidon</i> .
11722	Sami Maritime Corp.: <i>Nikos</i> .
11802	Nam Hai Hungoup Co., Ltd.: <i>Nam Hai No. 1</i> .
11937	Latonis Marine Co., Ltd.: <i>Unithope</i> .
12102	Psiloritis Shipping Co. S./A.: <i>Yannis P.V.</i>
12105	Transocean Liners (PTY), Ltd.: <i>Talana</i> .
12116	K.K. Kiyofuji Kalun: <i>Katijn Maru No. 28</i> .
12259	Dannebrog Rederi AS: <i>Clasonsborg</i> .
12261	Anchor Trading Co., Ltd.: <i>Bunker Antigua</i> .
12341	Geo. W. Thacker: <i>Korshamn</i> .
12354	Articomarine, S.A., Panama: <i>St. Raphael</i> .
12395	Pan World Shipping Co., S.A.: <i>Kyokushin</i> .
12570	Paducah Towing Co., Inc.: <i>Endeavor</i> .
12607	Sam In Fisheries Co., Ltd.: <i>Sam In No. 5</i> .
12627	Regent Virgo Shipping, Inc.: <i>Regent Virgo</i> .
12887	Caribbean Mini-Tankers, Ltd.: <i>United Sun</i> .
12890	N-Ren Corp.: <i>GWG 103</i> .
12893	Gulf Oil Belgium, S.A.: <i>Belgulf Strength</i> .
12964	Manuel Veiga Costas: <i>Consuelo Veiga</i> .
12968	Kornal Trade & Finance, Inc.: <i>Brazilian Victoria</i> .
13056	Koch Dock Co.: <i>Koch Fueller No. 1, H&amp;S Barge No. 3, H&amp;S Barge No. 2</i> .
13084	The Oliver Transportation Co.: <i>Coen 125</i> .
13260	Helandros Shipping Co., Ltd.: <i>Erianna</i> .

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-10576 Filed 4-18-78; 8:45 am]

#### [6730-01]

##### CERTIFICATES OF FINANCIAL RESPONSIBILITY

###### Compagnie Generale Maritime; Order of Revocation

In the matter of certificate of financial responsibility for indemnification of passengers for nonperformance of Transportation No. P-7 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,022—Compagnie Generale Maritime (French Line), c/o French Line, 25 Broadway, New York, N.Y., 10004.

Whereas, Compagnie Generale Maritime (formerly Compagnie Generale Transatlantique) (French Line) has ceased to operate the passenger vessel FRANCE;

It is ordered, that Certificate (Performance) No. P-7 and Certificate (Ca-

sualty) No. C-1,022 issued to Compagnie Generale Transatlantique (French Line) and applying to the FRANCE be and are hereby revoked effective April 12, 1978.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served on the certificant.

By the Commission, April 12, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-10581 Filed 4-18-78; 8:45 am]

#### [6730-01]

[Docket No. 78-8]

##### CIRCLE INDUSTRIES CORP. v. NORTHEAST MARINE TERMINAL COMPANY, INC.

Filing of Complaint

Notice is hereby given that a complaint filed by Circle Industries Corp. against Northeast Marine Terminal Co., Inc. was served April 12, 1978. The complaint alleges that respondents heavy lift charges applicable to open flatbed trucks and assessed for certain of complainant's skids violated sections 16 and 17 of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before October 12, 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. 78-10583 Filed 4-18-78; 8:45 am]

#### [6730-01]

[Docket No. 78-7]

##### E. I. du PONT de NEMOURS AND COMPANY v. SEATRAN LINES, INC.

Filing of Complaint

Notice is hereby given that a complaint filed by E. I. du Pont de Nemours & Co. against Seatrain Lines, Inc. was served April 12, 1978. The complaint alleges that respondent has overcharged complainant for ocean freight in violation of 46 U.S.C. 817.

Hearing in this matter, if any is held, shall commence on or before October 12, 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. 78-10582 Filed 4-18-78; 8:45 am]

#### [6210-01]

##### FEDERAL RESERVE SYSTEM

###### CHICAGO HOLDING CO.

###### Formation of Bank Holding Company

Chisago Holding Company, Chisago City, Minn., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 92 percent of the voting shares of Chisago State Bank, Chisago City, Minn. The factors that are considered in acting on the application are set forth in § 3(c) of the Act 12 U.S.C. § 1842(c).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 12, 1978.

Board of Governors of the Federal Reserve System, April 12, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

[FR Doc. 78-10557 Filed 4-18-78; 8:45 am]

#### [6210-01]

###### CITY BANCSHARES, INC.

###### Formation of Bank Holding Company

City Bancshares, Inc., Kansas City, Mo., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 90 percent or more of the voting shares of Grand Avenue Bank and Trust Company of Kansas City, Kansas City, Mo., to be renamed City Bank and Trust Company of Kansas City, Kansas City, Mo. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 9, 1978.

Board of Governors of the Federal Reserve System, April 12, 1978.

GRIFFITH L. GARWOOD,  
*Deputy Secretary of the Board.*

[FR Doc. 78-10558 Filed 4-18-78; 8:45 am]

[6210-01]

MERCANTILE BANCORPORATION, INC.

Acquisition of Bank

Mercantile Bancorporation, Inc., St. Louis, Mo., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 90 percent or more of the voting shares of First National Bank of Doniphan, Doniphan, Mo. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. 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 May 12, 1978.

Board of Governors of the Federal Reserve System, April 12, 1978.

GRIFFITH L. GARWOOD,  
*Deputy Secretary of the Board.*

[FR Doc. 78-10559 Filed 4-18-78; 8:45 am]

[6210-01]

PLATTE COUNTY BANCSHARES, INC.

Formation of Bank Holding Company

Platte County Bancshares, Inc., Dearborn, Mo., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 83 percent of the voting shares of Platte County Bank of Camden Point, Camden Point, Mo., and 91.6 percent of the voting shares of Platte County Bank of Dearborn, Dearborn, Miss. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. 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 May 10, 1978.

Board of Governors of the Federal Reserve System, April 13, 1978.

GRIFFITH L. GARWOOD,  
*Deputy Secretary of the Board.*

[FR Doc. 78-10560 Filed 4-18-78; 8:45 am]

[6210-01]

WELLS FARGO & CO.

Proposed Acquisition of Central Western Insurance Company

Wells Fargo & Company, San Francisco, Calif., has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 C.F.R. § 225.4(b)(2)), for permission to acquire voting shares of Central Western Insurance Company, Phoenix, Ariz. Notice of the application was published on February 24, 1978, in *The Arizona Republic*, a newspaper circulated in Phoenix, Arizona, and on February 24, 1978, in *The San Francisco Chronicle*, a newspaper of general circulation in San Francisco, California.

Applicant states that the proposed subsidiary would engage in the activity of underwriting, as reinsurer, credit life insurance directly related to extensions of credit by Wells Fargo & Company and its subsidiaries in California. 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 San Francisco.

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 May 2, 1978.

Board of Governors of the Federal Reserve System, April 13, 1978.

GRIFFITH L. GARWOOD,  
*Deputy Secretary of the Board.*

[FR Doc. 78-10561 Filed 4-18-78; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING

Tar and Nicotine Content Results

The latest results of cigarette testing were published in the FEDERAL REGISTER on Monday, August 15, 1977, 42 FR 41180-81, with a correction appearing in the August 19, 1977 issue, 42 FR 41914.

Because Benson & Hedges regular size, filter, hard pack, cigarettes have been reformulated they have been retested in accordance with the December 17, 1970, Commission's agreement with the Tobacco Industry. The results of the test are as follows:

	TPM dry,	Nicotine,
	milligram	milligram
	per	per
	cigarette	cigarette
Benson & Hedges regular size, filter, hard pack .....	1	0.1

By direction of the Commission dated March 17, 1978.

JAMES A. TOBIN,  
*Acting Secretary.*

[FR Doc. 78-10481 Filed 4-18-78; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 13, 1978. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before May 8, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the

Regulatory Reports Review Staff, 202-275-3532.

INTERSTATE COMMERCE COMMISSION

The ICC requests an extension without change clearance of Form OP-F-220, Application for Disposal of Pledged or Treasury Securities. The information collected by Form OP-F-220 is required under section 20a(5) of the Interstate Commerce Act, set forth in 49 CFR 1115.4 and is used to determine whether the disposal or pledge of such securities by applicant carriers is in accord with the provisions of the Act. The information is also used as part of the enforcement procedure needed to ascertain that carrier securities are issued for lawful objects within carriers' corporate purposes and are compatible and consistent with the public interest. The ICC estimates that approximately 10 application forms are filed annually and that reporting time will average 3 hours per response.

NORMAN F. HEYL,  
Regulatory Reports  
Review Officer.

[FR Doc. 78-10574 Filed 4-18-78; 8:45 am]

[6820-25]

GENERAL SERVICES  
ADMINISTRATION

Automated Data and Telecommunications  
Service

TELECOMMUNICATIONS LISTENING-IN  
DEVICES

Listening-in devices inventory

The FEDERAL REGISTER of November 10, 1977 (42 FR 58521), documented the General Services Administration's policy concerning the use of telecommunications listening-in devices. It also established the requirement for each agency to provide to GSA (CPSR) by January 9, 1977 a list of all nonsurreptitious listening-in devices in use as of November 10, 1977, and a copy of the determination as required by 41 CFR 101-35.307-2 for each device listed. The FEDERAL REGISTER of January 27, 1978 (43 FR 3709), corrected the submission date of the list to January 9, 1978.

This notice serves as a reminder to the agencies that the requirement for the inventory list of the nonsurreptitious listening-in devices is still valid despite the original printing error in the suspense date. Negative reports are required. Devices removed before the date of the report need not be listed.

Dated: April 12, 1978.

FRANK J. CARR,  
Commission, Automated Data  
and Telecommunications Service.

[FR Doc. 78-10469 Filed 4-18-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—  
Federal Housing Commissioner

[Docket No. N-78-866]

SECTION 202 LOANS FOR HOUSING FOR THE  
ELDERLY OR HANDICAPPED

Announcement of Fund Availability

Notice is hereby given pursuant to Title 24, Code of Federal Regulations, Part 885, as amended on March 1, 1978 (date of publication of amendments) (see 43 FR 8491), that the Department of Housing and Urban Development will be accepting Applications for Fund Reservations from eligible Borrowers (see Section 885.5 for the definition of "Borrower" and other terms used herein) for the provision of direct loans for the construction or substantial rehabilitation of Housing and Related Facilities (as defined) for dwelling use by Elderly or Handicapped Families (as defined) under the provisions of Section 202 of the Housing Act of 1959, as amended.

The Assistant Secretary for Housing already has assigned Section 202 loan fund authority for fiscal year 1978 to the ten HUD Regional Offices in conformance with the provisions of Section 213(d) of the Housing and Community Development Act of 1974 as provided at 24 CFR Part 891, Subpart D. In turn, the Regional Offices will subassign their loan fund authority to their field offices using the procedures set forth in 24 CFR Part 891, Subpart D.

While the precise number of units to be funded depends upon actual applications received and approved, the following allocation distribution plan shows the approximate numbers of units and loan authority available for new applications in each field office jurisdiction for fiscal year 1978.

FISCAL YEAR 1978 SEC. 202 ALLOCATION  
DISTRIBUTION PLAN BY HUD FIELD OFFICE  
JURISDICTION

	Estimated number of units	Estimated loan authority*
<b>Boston regional office:</b>		
Hartford .....	230	\$9,324,312
Boston .....	480	19,175,496
Manchester (Bangor, Burlington) .....	190	6,356,892
Providence .....	80	2,955,300
<b>Total .....</b>	<b>980</b>	<b>37,812,000</b>
<b>New York regional office:</b>		
Camden .....	120	4,279,881
Newark .....	390	15,736,626
Albany .....	240	7,867,310
Buffalo .....	190	6,434,126
New York .....	1,060	45,856,877
San Juan .....	540	18,432,180
<b>Total .....</b>	<b>2,540</b>	<b>96,407,000</b>

FISCAL YEAR 1978 SEC. 202 ALLOCATION  
DISTRIBUTION PLAN BY HUD FIELD OFFICE  
JURISDICTION—Continued

	Estimated number of units	Estimated loan authority*
<b>Philadelphia regional office:</b>		
Washington .....	220	8,939,572
Baltimore .....	240	8,332,192
<b>Philadelphia (Wilmington) .....</b>		
665	23,257,550	
Pittsburgh .....	340	12,965,775
Richmond .....	375	11,535,735
Charleston .....	170	5,594,176
<b>Total .....</b>	<b>2,010</b>	<b>70,625,000</b>
<b>Atlanta regional office:</b>		
Birmingham .....	400	11,341,527
Jacksonville (Coral Gables, Tampa) .....	700	20,063,924
Atlanta .....	480	13,661,536
Louisville .....	390	11,694,219
Jackson .....	260	7,552,518
Greensboro .....	555	15,903,737
Columbia .....	285	8,177,959
Knoxville .....	175	5,187,012
Memphis (Nashville) .....	270	7,823,568
<b>Total .....</b>	<b>3,515</b>	<b>101,406,000</b>
<b>Chicago regional office:</b>		
Chicago .....	610	26,133,273
Springfield .....	325	10,628,546
Indianapolis .....	460	13,594,650
Detroit .....	480	16,150,460
Grand Rapids .....	210	6,795,757
Minneapolis .....	300	10,282,778
Cincinnati .....	155	6,666,090
Cleveland .....	450	15,379,355
Columbus .....	200	8,473,100
Milwaukee .....	350	12,301,991
<b>Total .....</b>	<b>3,540</b>	<b>126,406,000</b>
<b>Dallas regional office:</b>		
Little Rock .....	230	6,528,112
New Orleans .....	200	8,096,751
Shreveport .....	140	4,012,977
Albuquerque .....	90	2,935,457
Oklahoma City (Tulsa) ..	210	6,062,043
Dallas (Fort Worth, Lubbock) .....	470	13,407,429
Houston .....	280	6,228,661
San Antonio .....	350	9,947,570
<b>Total .....</b>	<b>1,980</b>	<b>59,210,000</b>
<b>Kansas City regional office:</b>		
Des Moines .....	290	8,872,753
Kansas City .....	225	7,218,151
Topeka .....	170	4,882,849
St. Louis .....	340	10,651,219
Omaha .....	150	4,468,028
<b>Total .....</b>	<b>1,175</b>	<b>36,093,000</b>
<b>Denver regional office:</b>		
Denver (Helena, Fargo, Sioux Falls, Salt Lake City, Casper) .....	520	14,884,000
<b>Total .....</b>	<b>520</b>	<b>14,884,000</b>
<b>San Francisco regional office:</b>		
San Francisco (Fresno, Sacramento, Reno) .....	560	22,291,632
Honolulu .....	100	4,122,176
Los Angeles (Phoenix, San Diego, Santa Ana) ..	885	36,242,192
<b>Total .....</b>	<b>1,545</b>	<b>62,656,000</b>
<b>Seattle regional office:</b>		
Anchorage .....	40	1,850,570
Boise .....	60	1,828,218
Portland .....	210	6,965,868
Seattle .....	175	6,988,502
Spokane .....	60	1,900,842
<b>Total .....</b>	<b>545</b>	<b>19,532,000</b>

\*Pursuant to sec. 213(d) of the Housing and Community Development Act of 1974, as amended, these figures are subject to further breakdown into metropolitan and nonmetropolitan areas.

The allocation distribution plan set forth above is provided as a guide for prospective Borrowers to indicate the approximate number of units and amount of loan authority that can be expected to be made available in each field office jurisdiction. These unit and loan amounts are estimates and are subject to change upon the Regional Office's determinations of subassignments to field offices. Such changes may be necessitated in order to assure that there is enough loan authority in each field office to support feasible housing projects.

Prospective Borrowers interested in applying should be aware of the requirements governing the allocation of loan authority as set forth in Section 885.200 of the Regulations. During the past 2 years, Section 202 applications were selected by HUD Headquarters without regard to site identification and, therefore, without consideration of the impact on the goals, by housing type and household type, on housing assistance plans as required under Section 213(d)(1) of the Housing and Community Development Act of 1974, as amended by Section 207 of the HCD Act of 1977. In many allocation areas, a greater proportion of newly constructed housing for the elderly has been provided than would otherwise have occurred, and as a result it may not be possible to invite Section 202 applications in such areas. The Field Office Invitation will clearly indicate the areas where HAP goals permit additional Section 202 projects. Pursuant to Section 885.205c (2) and (3) of the Regulations, Borrowers may submit applications in areas not so designated by the Field Office Invitations under the following conditions:

(a) Applications for fund reservations for projects designed exclusively or primarily for the nonelderly disabled or handicapped will be accepted and evaluated from any allocation area; and

(b) Applications from the designated allocation areas will be evaluated first, and only if an insufficient number of approvable applications are received from the designated allocation areas will applications (other than those described in Paragraph (a) above) from other areas be considered for approval.

As mentioned above, interested Section 202 Borrowers will be notified of the designated allocation areas by an Invitation prepared and advertised by the HUD Field Office. Because of the exceptions set forth above, any eligible Borrower may apply for areas outside the designated allocation areas established by the Field Office. As it is anticipated that demand from acceptable Borrowers from designated allocation areas could be far in excess of available loan authority, prospective applicants from other areas should recognize that their prospects for alloca-

tions might be very limited and unlikely to warrant the investment required in developing and submitting such applications.

All Requests for Section 202 Fund Reservations by eligible Borrowers must be filed with the appropriate Field Office and must contain all exhibits and additional information as are required by Section 885.210 of the Regulations. HUD Field Offices will publish an Invitation in newspapers of general circulation serving the Field Office jurisdiction once a week for two consecutive weeks commencing no earlier than March 27, 1978, but no later than April 7, 1978. Field Offices will accept Applications anytime after publication of the Invitation, but no Applications will be accepted after the regular closing time at the appropriate Field Office, on Thursday, June 15, 1978, unless said final date for submission of Applications is extended by the Assistant Secretary by publication of an extension notice in the FEDERAL REGISTER.

Borrowers interested in applying for a Fund Reservation under Section 202 are encouraged to provide the Field Office with the name, address and telephone number of the Sponsor and/or Borrower organization(s), to advise the Field Office whether they wish to attend the workshop described in the following paragraph, and to secure the program handbook and Application Package.

Workshops will be conducted by the Field Office during the months of March and April to explain the Regulations and instructions governing the Section 202 and the Section 106(b) Seed Money loan programs, to distribute Application Packages, and to discuss the Application procedures and required exhibits. Arrangements should be made by the Field Office to assure that handicapped persons are able to attend and participate in the workshop. Such persons should contact the Field Office, so that appropriate arrangements can be made.

Pursuant to Section 885.205(a)(4), this is to serve further notice that:

(1) No single Borrower shall receive a reservation of loan funds in excess of that necessary to finance the construction or substantial rehabilitation of three hundred (300) units of Housing and Related Facilities in any single HUD Region.

(2) HUD intends to make contract authority under Section 8 of the United States Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, available for successful Borrowers.

(3) Section 202 Fund Reservations will be distributed among successful Borrowers in accordance with the requirements of Section 885.220 (Review of Application for Fund Reservation) and on the basis of all of the informa-

tion furnished by the Borrowers as set forth in the Application Package and pursuant to Section 885.225 (Approval of Applications) of the Regulations.

(4) The Assistant Secretary has established one-half of 1 percent (0.5%), not to exceed \$10,000, of the total HUD-approved section 202 mortgage amount to be the minimum capital investment for section 202 borrowers. This requirement applies to all section 202 borrowers receiving HUD field office approval of an application for section 202 fund reservation (under the provisions of section 885.400 et seq.). Said minimum capital investment shall apply to all sections 202 projects receiving fund reservations in fiscal year 1978 and shall remain in effect unless altered by the Assistant Secretary by publication in the FEDERAL REGISTER of a revision to the minimum capital investment requirement. Section 106(b) funds, pursuant to Part 271, may not be used to satisfy the minimum capital investment requirement.

Borrowers are invited to submit applications for section 202 fund reservations in accordance with the above. Additional information regarding the section 202 program may be found in Part 885.

A finding of inapplicability of section 102(2)(c), National Environmental Policy Act of 1969, has been made in connection with the final section 202 regulations, Part 885, in accordance with HUD procedures set forth in HUD Handbook 1390.1 (38 FR 19182) and governs this notice.

A copy of this finding of inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

Issued at Washington, D.C., on April 11, 1978.

(Section 202, Housing Act of 1959 (12 U.S.C. 1701q), as amended by section 210, Housing and Community Development Act of 1974; section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

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

[FR Doc. 78-10494 Filed 4-18-78; 8:45 am]

[4210-01]

Office of the Secretary

[Docket No. N-78-867]

**TASK FORCE ON TENANT PARTICIPATION IN THE MANAGEMENT OF LOW-INCOME PUBLIC HOUSING**

Meeting

AGENCY: Department of Housing and Urban Development (HUD).

**ACTION:** Notice is given announcing the fifth meeting date of the Task Force.

**SUMMARY:** The Secretary is announcing the fifth meeting and agenda for the Task Force on Tenant Participation in the Management of Low-Income Public Housing. Meetings are scheduled for May 1-3, 1978 and the agenda for the meetings are stated.

**DATE OF FIFTH MEETING:** The fifth meeting of the Task Force is scheduled to be held over a three-day period beginning May 1, 1978 at 10: a.m. in Washington, D.C. at the Department of Housing and Urban Development, located at 451 Seventh Street SW., in Room 10233.

**ADDRESS:** James F. Anderson, Acting Director, Project Management Division, Office of Assisted Housing Management, Room 6248, or Joseph Smith, Director, Consumer Liaison Division, Office of Consumer Affairs, Room 4212, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

**FOR FURTHER INFORMATION CONTACT:**

James F. Anderson, 202-755-6429; Joseph Smith, 202-755-5360; or Donald McLain, 202-755-5333.

**SUPPLEMENTARY INFORMATION:** Meetings of the Task Force on Tenant Participation in the Management of Low-Income Public Housing Have been scheduled for the dates and time indicated above. The Working Group on Demolition is scheduled to meet on the first day and the next two days will be for Task Force business. This will be the fifth full-session meeting convened by the Task Force as prescribed in its Charter. The first meeting of the Task Force was held over a two-day period which began on November 7, 1977. The second meeting was also held over a two-day period which began on November 29, 1977. The third meeting was held over a four-day period which began on January 6, 1978 in Denver, Colo. The fourth meeting was held over a three-day period which began on February 26, 1978 in Washington, D.C.

The agenda for the May 2-3 meeting includes the following: 1. Minutes of the previous meeting; 2. Report from Working Group on Demolition; and 3. Review of Draft Report to the Secretary.

The meeting of the Task Force will be open to the public.

Issued at Washington, D.C., April 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary, Department of  
Housing and Urban Development.  
[FR Doc. 78-10686 Filed 4-18-78; 8:45 am]

[4710-01]

**INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA**

**REGULATION OF LAKE CHAMPLAIN AND THE UPPER RICHELIEU RIVER**

**Public Hearings**

The International Joint Commission will conduct public hearings at the times and places noted below to obtain the public's views on the report of its International Champlain-Richelieu Board concerning Regulation of Lake Champlain and the Upper Richelieu River.

The International Joint Commission has been requested by the Governments of Canada and the United States to examine into and report on the feasibility and desirability of regulation of Lake Champlain and the Upper Richelieu River. The Commission appointed the Board to carry out the necessary studies. The Board has submitted its final report and the Commission wishes to receive the public's views before preparing its own report with recommendations to the two Governments.

Copies of the Board's report in French or English may be obtained without charge from the Secretary of either section of the Commission. The hearings are international in nature and citizens of the United States and Canada may attend and participate at any of the locations listed below.

Time allotted to each witness may be limited. If a written statement will take longer than 10 minutes to present, a summary statement should be given and the full statement submitted for the record. When a written statement is presented, 30 copies should be provided, if possible, for distribution to the news media and for Commission purposes.

**TIMES AND PLACES OF HEARINGS**

Room 235, Benedict Auditorium, March Life Science Building, University of Vermont, Burlington, Vt. June 6, 1978, 2 p.m. and 7:30 p.m.

Holiday Inn, I 87 and State 3, Plattsburgh, N.Y. June 7, 1978, 2 p.m. and 7:30 p.m.

St. Jean City Hall, 188 Jacques Cartier St., St. Jean, Quebec. June 8, 1978, 2 p.m. and 7:30 p.m.

William A. Bullard, Secretary, U.S. Section, International Joint Commission, Suite 200, 1717 H Street, NW., Washington, D.C. 20440. Stop 86, 202-296-2142.

David G. Chance, Secretary, Canadian Section, International Joint Commission, Suite 850, 151 Slater Street, Ottawa, Ontario, Canada, K1P 5H3, 613-992-2945.

APRIL 11, 1978.

WILLIAM A. BULLARD,  
Secretary, U.S. Section.  
[FR Doc. 78-10624 Filed 4-18-78; 8:45 am]

[4310-84]

**DEPARTMENT OF THE INTERIOR**

Bureau of Land Management

[W-62961]

WYOMING

Notice of Application

APRIL 7, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado has filed an application for a right-of-way to construct a pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 101 W.,  
Sec. 36, NW $\frac{1}{4}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ NW $\frac{1}{4}$ .

The pipeline will transport natural gas from a compressor station located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  section 36 in a southwesterly direction to an existing well within section 36, T. 20 N., R. 101 W., Sweetwater County, Wy.

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, Wy. 82901.

HAROLD G. STINCHCOMB,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc. 78-10468 Filed 4-18-78; 8:45 am]

[7020-02]

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-431]

Commission Memorandum Opinion

**PROCEDURAL HISTORY**

On March 13, 1978, Ataka America, Inc. (hereinafter "Ataka"), a party respondent to the instant investigation, filed a motion, pursuant to § 210.51 of the Commission's rules of practice and procedure<sup>1</sup> (hereinafter "CRPP"), that it be terminated as a party respondent to the investigation.<sup>2</sup> The Presiding Officer, acting in conformity with CRPP §§ 210.51 (a), (c), and

<sup>1</sup>19 CFR 210.51.

<sup>2</sup>Motion Docket No. 43-3.

210.53,<sup>3</sup> concluded that no violation of section 337 of the Tariff Act of 1930 (hereinafter "Section 337")<sup>4</sup> exists with respect to respondent Ataka and recommended, by order of March 31, 1978,<sup>5</sup> that Ataka be terminated as a party respondent. It is the purpose of this Memorandum Opinion to consider the Presiding Officer's recommendation and to rule on Ataka's Motion to Terminate.

#### DETERMINATION AND ORDER

Having considered Ataka's Motion to Terminate (Motion Docket No. 43-3) and supporting documents, (2) the transcript of the Preliminary Conference of March 16, 1978, and (3) the Presiding Officer's recommendation of March 31, 1978, the Commission determines that Ataka is not currently in violation of Section 337.

Accordingly, the Commission grants Motion No. 43-3 and orders that Ataka be and hereby is terminated as a party respondent to the instant investigation.

#### OPINION

Ataka's motion of March 13, 1978, was accompanied by an affidavit of Mr. James J. Crawford, Vice President of Ataka, which affirmed that Ataka, as of the close of business on September 30, 1977, ceased all active business operations in light of severe business reversals suffered by it. Mr. Crawford also affirmed that virtually all of Ataka's business lines, including its centrifugal trash pumps business, were transferred to an entity referred to as "Ataka USA International, Inc.," which subsequently merged into C. Itoh America, Inc., also a respondent in this investigation. Mr. Crawford also affirms that no personnel or records with respect to the centrifugal trash pumps which are the subject of the Commission's investigation are under the control of Ataka.

The record of the Preliminary Conference, held before the Presiding Officer on March 16, 1978, reveals that Complainant, Hale Fire Pump Co. of Conshohocken, Pa., and the Commission Investigative Attorney both stipulated that they would not oppose Ataka's Motion to Terminate.<sup>6</sup>

Inasmuch as (1) Ataka has no current connection with those centrifugal trash pumps which are the subject matter of this investigation and (2) that phase of Ataka's business which concerned those centrifugal trash pumps which are the subject matter of

this investigation is now apparently part of an active respondent's business (C. Itoh America, Inc.), it is no longer necessary to maintain Ataka as a party respondent to this investigation. Moreover, the affidavit of Mr. James J. Crawford, Vice President of Ataka, in support of Ataka's motion is uncontroverted; indeed, Complainant and the Commission Investigative Attorney stipulated that they would not oppose Ataka's motion. For these reasons, the Commission has determined to order the termination of Ataka as a party respondent to the instant investigation.

Issued: April 13, 1978.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc. 78-10594 Filed 4-18-78; 8:45 am]

[7020-02]

[AA1921-Inq.-11 and 12]

#### PHOTOGRAPHIC COLOR PAPER FROM JAPAN AND WEST GERMANY

##### Inquiries and Hearing

The United States International Trade Commission (Commission) received advice from the Department of the Treasury (Treasury) on April 7, 1978, that, during the course of determining whether to institute an investigation with respect to silver halide color negative photographic papers, sensitized but not exposed, provided for in item 723.30, Tariff Schedules of the United States, from Japan and West Germany in accordance with section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), Treasury concluded from the information available to it that there is substantial doubt that an industry in the United States is being or is likely to be injured by reason of the importation of this merchandise into the United States. Therefore, the Commission on April 13, 1978, instituted inquiries AA1921-Inq.-11 and AA1921-Inq.-12 under section 201(c)(2) of that act, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

The Treasury advised the Commission as follows:

Dear Mr. Chairman:

In accordance with section 201(c) of the Antidumping Act of 1921, as amended, anti-dumping investigations are being initiated with respect to photographic color paper from Japan and West Germany. Pursuant to section 201(c)(2) of the Act, you are hereby advised that the information developed during our preliminary investigations has led us to the conclusion that there is

substantial doubt that an industry in the United States is being, or is likely to be, injured by reason of the importation of this merchandise into the United States.

Information available to Treasury indicates that cumulative imports from Japan and West Germany increased from 19 to 25 percent of domestic consumption between 1975 and 1977 and that imports from those two countries are underselling the domestic product by margins of 11 to 19 percent. Furthermore, petitioner indicates that its domestic selling prices of photographic color paper declined by 16 percent from 1975 to 1977 and those of Eastman Kodak, the predominant supplier in the United States, by 23 percent during that same period. Most of the decline in the selling prices experienced by the two United States companies occurred during 1977, the year for which LTFV sales are alleged. Further, GAF, the third U.S. producer, left the market entirely in 1977.

In spite of that information, there are several economic indicators of a healthy industry. First, apparent United States consumption of this article has grown markedly over the last several years. Data presented by petitioner indicate that both the 3M Company individually and the domestic industry in the aggregate have shared in the growth of the domestic market. During the period 1975-77, both the petitioner and the United States industry experienced substantial rate of increase in production and domestic sales, while the petitioner also experienced an increase in its capacity utilization, employment, and profitability. For example, between 1975 and 1977 petitioner's domestic sales more than doubled. Although the aggregate market share held by the domestic industry declined from 81 percent in 1975 to 75 percent in 1977, that decline may have been due in substantial part to factors other than imports. For instance, most of the decline in the market share held by the domestic industry was attributable to Kodak. Some of the decline experienced by Kodak may have been due to its considerable anti-trust problems. In addition, there is information on record indicating that GAF's withdrawal from the market was due in large part to competition from Kodak. Finally, the decline in 3M's selling prices appears to have been a reflection of both its increased efficiency in the manufacture of this product, which it expressly acknowledges as having occurred, and price competition from Kodak.

Accordingly, from the available information the Department has concluded that there is substantial doubt that an industry is being, or is likely to be, injured by reason of the alleged sales at less than fair value from Japan and West Germany.

Based upon the data submitted by petitioner, there are margins of sales at less than fair value of as much as 121 and 44 percent, respectively, relative to this merchandise from Japan and West Germany.

For purposes of these investigations, as recommended by your Office of Nomenclature, "photographic color paper" means silver halide color negative photographic papers, sensitized but not exposed, provided for in item 723.30, Tariff Schedules of the United States.

Some of the enclosed data is regarded by Treasury to be of a confidential nature. It is therefore requested that the Commission consider all the enclosed information to be for the official use of the ITC only, not to

<sup>3</sup>19 CFR 210.51 (a), (c) and 210.53.

<sup>4</sup>19 U.S.C. 1337.

<sup>5</sup>See Order Recommending Termination, issued March 31, 1978.

<sup>6</sup>Official Report of Proceedings Before the United States International Trade Commission, In the Matter of Certain Centrifugal Trash Pumps (Investigation No. 337-TA-43), at pp. 5-9 (March 16, 1978).

be disclosed to others without prior clearance from the Treasury Department.

Sincerely yours,

s/ROBERT H. MUNDHEIM,  
General Counsel.

#### HEARING

A public hearing in connection with the inquiries will be held in Washington, D.C., beginning at 9:30 a.m., e.s.t., on Thursday, April 27, 1978, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW. All persons have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be received in writing in the office of the Secretary to the Commission not later than noon Monday, April 24, 1978.

#### WRITTEN STATEMENTS

Interested parties may submit statements in writing in lieu of, and in addition to, appearance at the public hearing. A signed original and nineteen true copies of such statements should be submitted. To be assured of their being given due consideration by the Commission, such statements should be received no later than Wednesday, May 3, 1978.

Issued: April 14, 1978.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc. 78-10595 Filed 4-18-78; 8:45 am]

[7020-02]

[332-99]

#### CONVERSION OF SPECIFIC AND COMPOUND RATES OF DUTY TO AD VALOREM RATES

AGENCY: United States International Trade Commission.

ACTION: Notice of Publication of Preliminary Ad Valorem Equivalents (AVE) for Tariff Schedules of the United States (TSUS) Items Having Specific and Compound Rates of Duty; Publication of Preliminary Proposed Subdivisions of Existing TSUS Items Having Specific and Compound Rates of Duty. The Commission published on April 14, 1978, for public consideration and comment, the following: (1) a listing of preliminary proposed ad valorem equivalents (AVE) for TSUS items having specific and compound rates of duty, and (2) a listing of preliminary proposed subdivisions of existing TSUS items having specific and compound rates of duty. This information is being published pursuant to a request from the Special Representative for Trade Negotiations, at the direction of the President, as outlined in the notice of the Investigation and hearing, which appeared in the FEDERAL REGISTER of April 4, 1978 (Vol. 43, No. 65, 14156).

The Notice appending the proposed converted rates is available for public inspection at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436 and at the New York City Office of the U.S. International Trade Commission located at 6 World Trade Center. Also, copies may be requested from the Commission.

To expedite public requests for copies, a telephone order can be placed with the Office of the Secretary at any time of the night or day, by calling 202-523-5178. Automatic answering and recording equipment will record all requests, which will be filed within one workday.

The public hearing will be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 9:30 a.m., e.s.t., on April 24, 1978.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Aaron Chesser, Office of Industries, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone: 202-523-0171.

Issued: April 14, 1978.

By order of the Commission:

KENNETH R. MASON,  
Secretary.

[FR 78-10596 Filed 4-18-78; 8:45 am]

[4410-0]

#### DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 77-33]

DONALD G. KLINESTIVER, M.D., MILTON, W. VA.

#### Notice of Hearing

Notice is hereby given that on October 14, 1977, the Drug Enforcement Administration, Department of Justice, issued to Donald G. Klinestiver, M.D., Milton, W. VA., an Order to Show Cause as to why the Drug Enforcement Administration Certificate of Registration, AK2988674, issued to Respondent should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Thursday, May 11, 1978, in the Hearing Room, Room 1210, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C.

Dated: April 11, 1978.

PETER B. BENSINGER,  
Administrator, Drug  
Enforcement Administration.

[FR Doc. 78-10555 Filed 4-18-78; 8:45 am]

[4510-23]

#### NATIONAL COMMISSION ON EMPLOYMENT AND UNEMPLOYMENT STATISTICS

#### PUBLIC HEARING

Notice is hereby given that the National Commission on Employment and Unemployment Statistics will hold public hearings on May 9 and May 10, 1978, in Room N-5437, 200 Constitution Avenue NW., Washington, D.C. 20210.

The National Commission on Employment and Unemployment Statistics was established under section 13 of the Emergency Jobs Program Extension Act of 1976, Pub. L. 94-444. Its purpose is to advise the President and the Congress on reliable and comprehensive measurements of employment and unemployment by examining the procedures, concepts, and methodology involved in employment and unemployment statistics, and suggesting ways and means of improving them.

Both producers and users of employment and unemployment statistics are invited to testify regarding the adequacy of current concepts and methods involved in producing these statistics for the nation, regions, states, and local areas. Testimony is invited on the usefulness of current statistics to policymaking and the specific needs of users.

The hearings will begin each day at 9:30 a.m. The public is invited to attend. Persons desiring to testify should submit a written request at least 7 days before the hearing date. Written statements should be provided 24 hours in advance of the scheduled appearance. These materials and additional questions regarding the hearings or the National Commission on Employment and Unemployment Statistics may be addressed to:

Marc Rosenblum, Staff Economist, National Commission on Employment and Unemployment Statistics, 2000 K Street NW., Suite 550, Washington, D.C. 20006.

Signed at Washington, D.C., this 11th day of April 1978.

SAR A. LEVITAN,  
Chairman.

[FR Doc. 78-10554 Filed 4-18-78; 8:45 am]

[7555-01]

#### NATIONAL SCIENCE FOUNDATION

ALAN T. WATERMAN AWARD COMMITTEE

#### Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, it is

hereby determined that the renewal of the Alan T. Waterman Award Committee is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable laws. This determination follows consultation with the Committee Management Secretariat, GSA, pursuant to section 14(a)(1) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

Authority for this advisory committee will expire on April 13, 1980, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

RICHARD C. ATKINSON,  
Director.

APRIL 14, 1978.

[FR Doc. 78-10553 Filed 4-18-78; 8:45 am]

[7555-01]

#### PRIVACY ACT OF 1974

##### Additional System of Records

Pursuant to the requirement of Section 3 of the Privacy Act of 1974, 5 U.S.C. 352a(c)(4), notice is hereby given of the existence and character of a new system of records to be maintained by the National Science Foundation and of the routine uses thereof. Interested persons are invited to submit written data, views or arguments to the Director, National Science Foundation, Attention: General Counsel, Washington, D.C. 20550, not later than thirty days from the date of this published notice.

#### NSF-45

*System name:* Study to Evaluate Scientific Information Services.

*System location:* King Research, Inc., 6000 Executive Boulevard, Suite 307, Rockville, Md. 20852; Charles River Associates, Inc., 1050 Massachusetts Avenue, Cambridge, Mass. 02138.

*Categories of individuals covered by the system:* A sample of 2,000 physicists is covered.

*Categories of record in the system:* Demographic, educational and professional characteristics of U.S. physicists. The study concentrates on factors describing the physicists' use of and attitudes toward scientific information services.

*Routine uses of record maintained in the system, including categories of users and purposes of such uses:* The survey is used to develop a data base for generation of a policy-sensitive model of the demand for scientific and technical information services by scientists. This research is funded by NSF under contract DSI: 77-18020. Data provided by respondents will be

used by the project staff for analysis purposes only, and will be published only in aggregate form without identifying specific individuals or institutions.

*Policies and practices for storing, retrieving, accessing and disposing of records in the system:* Storage—Questionnaires and computer cards are maintained by King Research, Inc. through keypunch and preliminary computer runs. Computer cards are maintained by Charles River Associates, Inc. from preliminary computer runs through final generation of the model.

*Retrievability:* Questionnaires and computer cards are filed by pre-assigned code number. Respondent names will not appear on questionnaires or computer cards.

*Safeguards:* All buildings and offices in which questionnaires and computer cards are stored are locked after working hours. Only direct project staff will be allowed access to files. Upon project completion, the list of respondent names and addresses will be destroyed.

*Retention and disposal:* Questionnaires will be retained by King Research and computer cards will be retained by Charles River Associates for at least five years. Data will be made available to other researchers only in computer card format.

*System manager(s) and address:* Donald W. King Research Inc., 6000 Executive Boulevard, Suite 307, Rockville, Md. 20852; David S. Evans, Charles River Associates, Inc., 1050 Massachusetts Avenue, Cambridge, Mass. 02138.

*Notification procedure:* The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

*Record access procedures:* See "Notification" above.

*Record source categories:* Information obtained from individuals and from other sources available to the general public.

Dated: April 4, 1978.

RICHARD C. ATKINSON,  
Director.

[FR Doc. 78-10390 Filed 4-18-78; 8:45 am]

[7590-01]

#### NUCLEAR REGULATORY COMMISSION

[Docket No. PRM 50-19]

##### CONNECTICUT CITIZEN ACTION GROUP, ET AL.

Notice of Denial of Petition for Rulemaking With Regard to Locating Nuclear Reactors Below Ground Level and Sealing Them in Heavy Vacuum Containments

On January 21, 1977, Louis J. Sirico, Jr., filed with the Nuclear Regulatory

Commission a petition for rulemaking on behalf of the Connecticut Citizen Action Group, the Public Interest Research Group, Free Environment, the Iowa Public Interest Research Group, Citizens United for Responsible Energy, Iowa Federation of Women's Clubs, and the Good News General Store Cooperative, requesting the Commission to amend its regulations in 10 CFR Part 50, "Licensing of Production and Utilization Facilities."

The petitioners requested the Commission to amend 10 CFR Part 50 to require that:

1. Nuclear reactors be located below ground level; and
2. Nuclear reactors be housed in sealed buildings in which permanent heavy vacuums are maintained.<sup>1</sup>

A notice of filing of petition for rulemaking was published in the FEDERAL REGISTER on March 10, 1977 (42 FR 13365). The comment period expired May 9, 1977. Ten letters of public comment were received, none of which supported the petition.

In considering the petition, the Commission has reviewed existing studies on the subject, including a recently completed study which was initiated by the NRC in the spring of 1975 with Sandia Laboratories, the existing and alternative containment concepts, and an impact/value analysis of alternate concepts. The Commission has also reviewed the public comments which have been submitted.

Based on that review, which is summarized in Attachment A, the Commission does not believe that there is a sufficient basis at the present time for adopting Parts 1 and 2 of the petitioners' proposals, the effect of which would be to prohibit the licensing of any nuclear power plant which was not located underground and sealed in a heavy vacuum containment. In reaching that conclusion, the Commission is not adopting a position that underground siting or heavy vacuum containment designs could not meet present safety criteria. Rather, the position is that there is not sufficient supporting material to indicate that such designs should be made mandatory to the exclusion of all other nuclear power plant designs.

The use of heavy vacuum containments, whether above or below ground, will not ensure containment of a core melt accident, and will not appreciably increase the containment pressure retaining capability.

The Commission's review also indicated that whether a potential might exist for reducing the consequences from a Class 9 core melt accident by

<sup>1</sup>In addition, a third proposal in the petition, which has been separately handled, requests that a full-time Federal employee, with full authority to shut down the plant in case of any operational abnormality, always be present in a reactor's control room.

underground siting depends heavily on site-dependent parameters, plant layout, equipment design, and available technology in areas such as high pressure, rapid closing large diameter tunnel and shaft sealing systems. Accordingly, the NRC will review what further work may be appropriate on this subject, including any assurances which may be needed for consideration on a case-by-case basis of underground siting applications. This review is expected to be completed in about a year.

This conclusion not to change 10 CFR Part 50 applies to consideration of underground siting and heavy vacuum containments, both in combination as requested by the petitioners, and separately.

Therefore, in accordance with 10 CFR 2.803, the Commission has decided that sufficient reason does not exist to publish a notice of proposed rule-making, and is hereby denying of Parts 1 and 2 of the petition. Some further explanation of the grounds for denial is set forth in Attachment A.

A copy of the petition for rulemaking and copies of the letters of comment concerning the petition are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 12th day of April 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,  
Secretary of the Commission.

#### ATTACHMENT A

#### REVIEW OF PROPOSAL FOR UNDERGROUND SITING

Between 1958 and 1974 about a dozen feasibility studies were made on underground nuclear power plants. In addition, extensive bibliographies exist in these studies and in published articles which illustrate the extent to which this subject has been, and continues to be, discussed in the technical literature. The most recently completed study was initiated by the NRC in the spring of 1975 with Sandia Laboratories. The final study report was issued in August 1977.<sup>1</sup> Basically, the Sandia study concluded that there are other, more cost effective, alternatives to underground siting which would reduce direct atmospheric releases. The material and conclusions of this most recent report supplement and update the other, previously existing, studies.

Another separate study by the State of California on underground siting of

<sup>1</sup>Copies of the report, entitled NUREG-0255, "Underground Siting of Nuclear Power Plants: Potential Benefits and Penalties," August, 1977 may be obtained from The National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161, printed \$9, microfiche \$3.

reactors is in a developmental stage, and a final report is expected about April 1978.<sup>2</sup>

Upon reviewing the studies and articles available to date on underground siting, the following should first be noted:

1. The current NRC design requirement is that reactor containments be designed to withstand up to, and including, Class 8 Design Basis Accidents. Class 9 accidents, such as core melt, are not required because their probability of occurrence is so small that their environmental risk is extremely low.

2. Underground nuclear plants that were actually constructed are limited in number and their rated capacity ranges between 8.5 MW(e) to 266 MW(e). The experience gained from these plants is not necessarily applicable to present day base load plants of 1000 to 1200 MW(e). Large capacity underground plants may require major changes in design for equipments, such as condensers, pumps, penetrations and physical size and layout.

3. Actual experience with underground reactor siting has demonstrated operational concerns such as groundwater seepage; poor accessibility for inspection, maintenance or repair; corrosion of liners or structures, and resulted in some questioning of theoretical benefits. All three countries, Sweden, Switzerland, and France that have built underground nuclear power plants have continued to erect subsequent plants above ground. (Sample Comment: "Despite the experiences from the Plowshare program, the achievement of acceptable leak tightness following a class 9 accident in an underground plant appears to be doubtful because of multiple accesses and penetrations.")<sup>3</sup>

4. In spite of the numerous studies and articles on this subject, an actual, detailed engineering design for a proposed large commercial underground power reactor may be needed. As noted in one article,<sup>4</sup>

... There are advantages and disadvantages with the siting of a nuclear plant underground, and the subject should receive greater attention in siting consideration, research and development. From the economic standpoint, there are many potential tradeoffs that will not be clear until a serious engineering effort will have taken place.

<sup>3</sup>Copies of the report of the California Study on Underground Siting may be obtained after April 1978 from Energy Resources Conservation and Development Commission, 1111 Howe Avenue, Sacramento, Calif. 95825 (Publication Unit 918-322-3725).

<sup>4</sup>Discussion in Nuclear Safety, Vol. 16, No. 4, July to August 1975, pp. 434, 435, re: "Underground Nuclear Plant Siting: A Technical and Safety Assessment," by Crowley, Doan, and McCreath, Nuclear Safety, Vol. 15, No. 5, September to October 1974, pp. 519-534.

<sup>5</sup>Id.

The petitioners' request that nuclear reactors be located below ground level does not identify for what specific reasons such action should be taken. Accordingly, the following assumptions have had to be made in order to be able to evaluate the proposal.

*First*, additional protection against, or reduction of, the risk from accidents up through Class 8 accidents (Loss of Coolant Accident) is one objective of proposing underground siting.

*Second*, additional protection against, or reduction of, the risk from Class 9 (core melt) accidents is another objective of proposing underground siting. Regulatory Guide 4.2,<sup>5</sup> in addition to defining a spectrum of Class 1 through 8 accidents, describes Class 9 accidents and their probability of occurring as:

... sequences of postulated successive failures more severe than those postulated for establishing the design basis for protective systems and engineered safety features. Their consequences could be severe. However, the probability of their occurrence is so small that their environmental risk is extremely low. Defense in depth (multiple physical barriers), quality assurance for design, manufacture, and operation, continued surveillance and testing, and conservative design are all applied to provide and maintain the required high degree of assurance that potential accidents in this class are, and will remain, sufficiently remote in probability that the environmental risk is extremely low. For these reasons, it is not necessary to discuss such events in applicants' Environmental Reports.

In some cases, however, where measures can readily be incorporated into practical implementations of NRC criteria, the NRC has recommended design, or other, considerations based on parameters which are in excess of those calculated for a Class 8 LOCA. One such example is extending instrumentation ranges to be capable of reading containment atmospheric parameters at levels equivalent to those which would exist at estimated containment building structural limits—such as three to four times design pressure levels.

In considering the petitioners' proposal for underground siting as it relates to the safety of the public against design basis accidents up to, and including, Class 8 (LOCA), the following points need to be considered in addition to those already noted.

1. Present above ground containments are designed to contain the pressures and temperatures resulting from such accidents.

2. Since current containments are designed to withstand Class 8 (LOCA)

<sup>5</sup>R.G. 4.2, revision 2, "Preparation of Environmental Reports for Nuclear Power Stations," issued April 1976.

pressures, if any releases of containment volume to the atmosphere were to occur either before, during, or after a Class 8 (LOCA) accident they would be directed, by plant design, through the elevated release point of the filtered ventilation system. Equivalent releases from underground containments would also have to be made from an above ground stack, and there would be a resultant release to the environment similar to that from an above ground containment.

3. Some advantages may be argued for the extra "hardening" of the facility which would result if it were below ground, such as protection against tornadoes, airplane crashes, etc. However, all of the disadvantages which result from the current state of the technology (or lack of it) of constructing and operating such plants below ground still apply.

While it thus seems clear that for accidents up to and including Class 8 LOCA accidents there is no present need for requiring underground siting, and that no identifiable potentially significant increase in safety to the public would result, this is not quite so clear for Class 9 core melt accidents. Current studies and experience indicate that whether a potential might exist for reducing the risk from a Class 9 core melt accident by underground siting depends heavily on site-dependent parameters, plant layout, equipment design, and available technology in areas such as high pressure, rapid closing, large diameter tunnel and shaft sealing systems.

In addition to these variables, the drawbacks of underground siting must be considered—in either a generic study, or consideration of a specific license application. Other design alternatives to underground siting, such as filtered atmospheric venting or compartment venting, appear to promise an equal measure of reduction of risk from a Class 9 core melt occurrence, and with lower costs.

#### REVIEW OF PROPOSAL FOR HEAVY VACUUM CONTAINMENTS

In reviewing this proposal, it is again necessary to make certain assumptions, since the petition is not explicit as to its rationale.

First, it is assumed that the intent of this proposal is to go beyond the current requirements for containment of LOCA-type accidents up through Class 8 accidents, and to require containment of a Class 9 (core melt) accident.

As noted in the underground siting discussion, such a design requirement is not a part of NRC regulations or policy. However, for purposes of reviewing the effectiveness of this proposal, it will be assumed that such a condition exists due to insufficient cooling of reactor core and containment with a resulting core meltdown.

Second, in the absence of a definition in the petition of what would constitute a heavy vacuum, it will be assumed that this level is about 1 psia, which is a practical technological limit and the level used at the Pickering CANDU reactors, which employ a vacuum building.<sup>6</sup> Also, 1 psia maximizes the potential benefits which could be postulated from the petitioners' proposal.

Third, the assumed design objective is to have containment walls and dome capable of remaining leaktight before, during and after core melt with respect to direct release of fission products, while assuming that the core will melt through the containment floor into the soils or rock on which the containment building rests.

In WASH-1400,<sup>7</sup> an analysis of core melt sequences, probabilities and consequences are presented in Appendix VIII, "Physical Processes in Reactor Meltdown Accidents" and its sub-Appendix E, "Containment Failure Modes Evaluations." Of interest in evaluating this proposal is the following information from those references:

	Current pressurized-water reactor (PWR)	Current boiling-water reactor (BWR)
	Pounds per square inch absolute	
Calculated class 8 accident pressure....	56	56
Containment design pressure.....	60	71
Calculated containment failure pressure.....	100±15	175±25
Estimated class 9 accident pressure....	~140	N250

When comparing the pressure reduction derived from the second assumption above with the WASH-1400 figures given above, it can be seen that the additional pressure margin provided by maintaining a 1 psia vacuum on current-day containments is very small. Heavy vacuum would reduce any accident pressure in the containment by about 14 psi. It is also apparent that the objective stated in the third assumption of avoiding direct release of fission products through the containment walls or dome under core meltdown conditions cannot be met by using a heavy vacuum containment. The pressure would still build to a level two to three times greater than the pressure for which the current containment structures are designed.

<sup>6</sup>"Vacuum Containment Systems for Multi-Unit Nuclear Power Stations" by E. W. Fee and G. E. Shaw, VII Congress International, "Le Confinement de la Radioactive dans l'Utilisation de l'Energie Nucleaire," Versailles, 28-31 Mai 1974, Societe Francaise de Radioprotection.

<sup>7</sup>WASH-1400 (NUREG-75/104), "Reactor Safety Study," October 1975.

To attempt to design the current generation of containments to withstand three times their current design pressures would be costly and would still be ineffective. Even if a stronger containment were built, the maximum result would be to permit the core to melt through the base mat before the continuing pressure buildup would otherwise eventually breach the containment structure. Also, increasing the containment building volume to limit the resulting pressures to a level resembling current design pressure levels would have the same drawbacks as the stronger containment concept.

The factor which will reduce the effectiveness of the heavy vacuum concept to contain core melt regardless of containment design pressure, is that the air present inside a containment which is under atmospheric pressure is a relatively minor contributor to the potential maximum pressure. The major contributors to the final pressure are the steam, hydrogen generated by the metal-water reactions, and non-condensable carbon dioxide generated by the action of the molten core on the concrete foundation mat. Removal of this air, therefore, would not significantly affect the post-accident pressure.

The Canadian CANDU reactor system at Pickering is mentioned in the petition as an example of a nuclear power plant employing a heavy vacuum concept. Some clarification needs to be made regarding this reference.

The Pickering type of vacuum system is designed to accommodate the same general type of accidents as our domestic reactors, i.e., up to and including Class 8 accidents as we would define them. It is not intended to be designed for, nor is it capable of protecting against, the direct release of fission products from the containment system following a core meltdown.<sup>8</sup>

Instead, a CANDU vacuum building has been constructed only when there are economic benefits to be gained by then being able to design the containment building for the lower pressure level which results from the post-accident pressure being shared by the containment and vacuum buildings. Therefore, on the basis of economics, a supplementary, common vacuum building has been employed only at multi-unit CANDU sites such as Pickering and Bruce.<sup>9</sup>

[FR Doc. 78-10382 Filed 4-18-78; 8:45 am]

<sup>8</sup>Id. No. 6.

<sup>9</sup>Id. No. 6.

[7590-01]

[Docket No. 50-317]

**BALTIMORE GAS AND ELECTRIC CO.****Issuance of Amendment To Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Facility Operating License No. DPR-53, issued to Baltimore Gas and Electric Co. (the licensee), which revised the Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant Unit No. 1 (the facility) located in Calvert County, Md. The amendment is effective as of its date of issuance.

The amendment authorizes operation with sleeved guide tubes for the Control Element Assemblies (CEA's) and revises the Technical Specifications by: (1) incorporating changes resulting from the analyses of Cycle 3 reload fuel, (2) authorizing the removal of all part length CEA's, and (3) imposing a new water hole peaking factor.

The applications for the amendment comply 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. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with operation with sleeved guide tubes for the CEA's was published in the FEDERAL REGISTER on February 8, 1978 (43 FR 544). No request for a hearing or petition for leave to intervene was filed following this notice of proposed action. Prior public notice of Items 1 through 3, above, was not required since these items do 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 the amendment.

For further details with respect to this action, see (1) the applications for amendment dated December 1 and 20, 1977, and March 17, 1978, as supplemented by letters dated December 15, 20, and 23, 1977, January 4, 17, and 24, 1978, February 17, 1978, and March 2, 6, 9, 15, 16, 17, 20, and 23, 1978, (2) Amendment No. 32 to License No. DPR-53, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Docu-

ment Room, 1717 H Street NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 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. 78-10473 Filed 4-18-78; 8:45 am]

[7590-01]

[Docket No. 50-321]

**GEORGIA POWER CO., ET AL****Issuance of Amendment To Facility Operating License and Granting of an Exemption from Regulations in 10 CFR Part 50 Appendix J**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR-57 issued to Georgia Power Co., Oglethorpe Electric Membership Corp., Municipal Electric Association of Georgia and City of Dalton, Ga., which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1, located in Appling County, Ga. The amendment is effective as of its date of issuance. The Commission has also granted an exemption from the regulations in 10 CFR Part 50, Appendix J, "Primary Reactor Containment Leakage Testing For Water-Cooled Power Reactors".

The amendment incorporated an approved exemption from the requirements of 10 CFR Part 50 Appendix J which requires that isolation valves be tested with air or nitrogen, to permit the testing of the RHR suction line valves with water based on the determination that the test condition would be representative of the post-accident environment.

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 and related letter to the licensee. 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 November 16, 1977, (2) Amendment No. 53 to License No. DPR-57, and (3) the Commission's Safety Evaluation and letter to the licensee dated April 12, 1978. 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 Appling County Public Library, Parker Street, Baxley, Ga. 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 12th day of April 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
*Chief, Operating Reactors  
Branch No. 3, Division of Operating Reactors.*

[FR Doc. 78-10474 Filed 4-18-78; 8:45 am]

[7590-01]

[Docket Nos. STN 50-508 and STN 50-509]

**WASHINGTON PUBLIC POWER SUPPLY SYSTEM, ET AL., WASHINGTON PUBLIC POWER SUPPLY SYSTEM, NUCLEAR PROJECTS NO. 3 AND NO. 5****Notice of Issuance of Construction Permits**

Notice is hereby given that, pursuant to the Partial Initial Decision, dated April 8, 1977, and the Initial Decision of the Atomic Safety and Licensing Board, dated April 10, 1978, the Nuclear Regulatory Commission (the Commission) has issued Construction Permits No. CPPR-154 and No. CPPR-155 to Washington Public Power Supply System, et al.,<sup>1</sup> for construction of two pressurized nuclear reactors at the applicants' site in southeastern Grays Harbor County, Wash., about 26 miles west of Olympia. The proposed reactors, known as WNP-3 and WNP-5 will operate at a core power level of 3800 megawatts thermal with a net electrical output of 1316 megawatts.

<sup>1</sup>Washington Public Power Supply System, Pacific Power and Light Co., Portland General Electric Co. and Puget Sound Power and Light Co. own Washington Public Power Supply System, Nuclear Projects No. 3 (WNP-3) and Washington Public Power Supply System and Pacific Power and Light Company own Washington Public Power Supply System, Nuclear Projects No. 5 (WNP-5).

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in Title 10 CFR Chapter I, Code of Federal Regulations, which are set forth in the construction permits. The application for the construction permits complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permits are effective as of the date of issuance. The earliest date for completion of WNP-3 is January 1, 1983, and the latest date for completion is January 1, 1985. The earliest date for completion of WNP-5 is July 1, 1984, and the latest date for completion is July 1, 1986. The permits will expire on the latest date for completion of the facilities.

A copy of the (1) the Partial Initial Decision, dated April 6, 1977; (2) the Initial Decision, dated April 10, 1978; (3) Construction Permit Nos. CPPR-154 and CPPR-155; (4) the report of the Advisory Committee on Reactor Safeguards, dated April 16, 1976; (5) the Office of Nuclear Reactor Regulation's Safety Evaluation Report, dated February 13, 1976; (6) Supplement No. 1 to the Safety Evaluation Report, dated June 1976; (7) Supplement No. 2 to the Safety Evaluation Report, dated December 20, 1976; (8) Supplement No. 3 to the Safety Evaluation Report dated April 22, 1977; (9) the Preliminary Safety Analysis Report and amendments thereto; (10) the applicants' Environmental Report, dated August 30, 1974 and supplements thereto; (11) the Draft Environmental Statement, dated February 1975; and (12) the Final Environmental Statement, dated June 3, 1975, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and the W. H. Abel Memorial Library, 125 Main Street South, Montezano, Wash. 98563. A copy of the construction permits may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Copies of the Safety Evaluation and its supplements (Document No. NUREG-0023) and the Final Environmental Statement (Document No. NUREG-75/053) may be purchased, at current rates, from the National Technical Information Service, Springfield, Va. 22161.

Dated at Bethesda, Md., this 11th day of April 1978.

For the Nuclear Regulatory Commission.

OLAN D. PARR,  
Chief, Light Water Reactors  
Branch No. 3, Division of Project  
Management.

[FR Doc. 78-10475 Filed 4-18-78; 8:45 am]

#### [7590-01]

##### STANDARD REVIEW PLAN (NUREG-75/087)

###### Notice of Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced FEDERAL REGISTER notice dated December 8, 1977, the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to Section No. 8.3.2 of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Virginia 22161. The domestic price is \$70.00, including first-year supplements. Annual subscriptions for supplements alone are \$30.00. Individual sections are available at current prices. The domestic price for Revision No. 1 to Section No. 8.3.2 is \$4.00. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspections at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (U.S.C. 552(a)).

Dated at Bethesda this 10th day of April, 1978.

For the U.S. Nuclear Regulatory Commission.

ROGER J. MATTSON,  
Director, Division of Systems  
Safety Office of Nuclear Reactor  
Regulation.

[FR Doc. 78-10476 Filed 4-18-78; 8:45 am]

#### [7590-01]

##### REGULATORY GUIDE

###### Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.138, "Laboratory Investigations of Soils for Engineering Analysis and Design of Nuclear Power Plants," describes laboratory investigations and testing practices acceptable to the NRC staff for determining soil and rock properties and characteristics needed for engineering analysis and design for foundations and earth-works for nuclear power plants.

Comments suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.138 will, however, be particularly useful in evaluating the need for an early revision if received by June 16, 1978.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md. this 12th day of April 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director, Office of  
Standards Development.

[FR Doc. 78-10477 Filed 4-18-78; 8:45 am]

**PETITION FOR EMERGENCY AND REMEDIAL ACTION**

**Memorandum and Order**

**I. Background**

On November 4, 1977, the Union of Concerned Scientists (UCS) filed with the Nuclear Regulatory Commission a "Petition for Emergency and Remedial Relief" which requested actions related to fire protection for electrical cables and environmental qualification of electrical components in nuclear power reactors. In particular the UCS sought the following Commission actions:

"a. The Commission shall direct the Staff to accelerate a testing program to determine the type of physical separation between electrical cables necessary to maintain independence and to meet the single failure criterion<sup>1</sup> for redundant safety systems.

"b. The Commission shall direct the Staff to accelerate a testing program for environmental qualification of connectors.

"c. The Commission shall direct the Staff to independently verify the environmental qualifications of all safety-related systems, components and structures.

"d. All Licensing and Appeal Boards should immediately be notified that no further construction permits or operating licenses can be issued until such time as Applicants can demonstrate compliance with the applicable regulations, including specifically General Design Criteria 3 and 4 of Appendix A to 10 CFR Part 50, 10 CFR § 50.55a(h), and the single failure criterion of Appendix A to 10 CFR Part 50.

"e. All holders of construction permits shall immediately be notified to cease all construction activities involving the connectors identified as defective and all activities relating to electrical cables.

"f. All operating reactors shall immediately be ordered to shut down until such time as the operators can demonstrate compliance with the applicable regulations, including specifically General Design Criteria 3 and 4 of Appendix A to 10 CFR Part 50, 10 CFR § 50.55a(h), and the single failure criterion of Appendix A to 10 CFR Part 50."

The bases of the UCS petition are results reported August 5, 1977,<sup>2</sup> from

<sup>1</sup>The single failure criterion is explained in NRC regulations, 10 CFR Part 50, Appendix A. "A single failure means an occurrence which results in the loss of capability of a component to perform its intended safety functions. Multiple failures resulting from a single occurrence are considered to be a single failure. Fluid and electric systems are considered to be designed against an assumed single failure if neither (1) a single failure of any active component (assuming passive components function properly) nor (2) a single failure of a passive component (assuming active components function properly) results in a loss of the capability of the system to perform its safety functions." (Footnote not in petitioner's request.)

<sup>2</sup>The Commission notes with concern the long interval which elapsed from the time connector test results were available ("Quick-look" test reports of January, March, and July 1977) until decisive action was taken to obtain information from licensees (Inspection and Enforcement Bulletin 77-05 dated November 8, 1977). During this time a research staff report of August 5

the Qualification Testing Evaluation Programs and Fire Protection Research Programs conducted for NRC at Sandia Laboratories. The results of those tests are alleged to demonstrate that NRC regulations have been violated and that a public health and safety threat exists.

In reviewing this petition, the Commission has had the benefit of, and has fully considered, a number of detailed technical submissions by the staff and by UCS, as well as comments from the public. For clarity, the Commission will treat the legal aspects of the petition before discussing fire protection and electrical equipment qualification.

**II. LEGAL CONSIDERATIONS**

Before addressing the merits of the various aspects of the petition, three matters of a legal nature raised in the petition and in subsequent filings warrant discussion—the emergency nature of some of the relief sought, the relevance of alleged violations of the Commission's regulations, and whether such alleged violations have occurred. As a backdrop for this discussion, a brief summary of the Commission's statutory authority and regulatory responsibility is useful.

The Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq., and the Energy Reorganization Act of 1974, 42 U.S.C. 5801 et seq., impose on the Commission the responsibility for administering a licensing procedure for, inter alia, nuclear power reactors. In large part the licensing procedure is devoted to assuring that the health and safety of the public is adequately protected. See, e.g., 42 U.S.C. 2133, 2134. Thus the Commission has stated that " . . . public safety is the first, last and a permanent consideration in any decision on the issuance of a construction permit or a license to operate a nuclear facility." *Power Reactor Development Corp. v. International Union of Electrical Radio and Machine Workers*, 367 U.S. 396, 402 (1961). The Commission must have "reasonable assurance" that public health and safety are not endangered by its licensing actions. Id.

was transmitted on August 26 to the Offices of Nuclear Reactor Regulation, Standards Development and Inspection and Enforcement (I&E). Not until October 14 did Nuclear Reactor Regulation formally respond, at which time it was indicated that I&E would conduct a survey of licensees. However, this survey was not initiated until November 8, four days after receipt of the UCS petition.

As a consequence of this long delay, the Commission requests that the staff review the procedures by which the Commission, appropriate staff offices, and Licensing Boards are notified of research information which is of safety significance, and followup actions are taken with licensees and applicants. The results of this staff review, along with any recommended improvements to existing procedures, is requested within one month.

The Commission's responsibility does not cease with the issuance of a license. If, in the Commission's judgment, the public health and safety so requires, the Commission may take action to revoke, suspend or modify licenses, impose civil penalties or issue cease-and-desist orders. 42 U.S.C. 2236, 2237, 2282; 10 CFR 2.200-2.205. While revocation, suspension or modification actions generally must be in accord with Administrative Procedure Act procedures of notice and opportunity to achieve compliance, 5 U.S.C. 558(b), if public health or safety so requires, such actions may be taken with immediate effect. 5 U.S.C. 558(c), 42 U.S.C. 2236b; 10 CFR 2.202(f), 2.204.

Three actions which the petitioner requests are styled "emergency relief." The Commission was asked to shut down immediately all operating power reactors, to order immediately cessation of all construction involving connectors and electrical cables conducted under permits previously issued, and to impose immediately a moratorium on all power plant license issuances until licensees and applicants could demonstrate compliance with applicable regulations. Emergency actions, such as those requested, are procedures which obviously "can radically and summarily affect the rights and interests of others, including licensees and those who depend on their activities. Our emergency powers must be responsibly exercised." *Licensees Authorized to Possess or Transport Strategic Quantities of Special Nuclear Material*, 5 NRC 16, 20 (1977).

In determining whether or not to take any or all of the immediate steps requested by the petitioner, the Commission must decide whether the Sandia test results relied upon by the petitioner mandated the requested relief in order to provide reasonable assurance that the public health and safety are protected. See *Nader v. NRC*, 513 F.2d 1045, 1055 (D.C. Cir. 1975). In particular, the Commission must determine whether information from these tests or the UCS reveals risks in the operation of nuclear power reactors not previously perceived. If such risks are in fact identified, the Commission must determine their magnitude and take appropriate remedial actions. Where the information demonstrates an undue risk to public health and safety, the NRC will, of course, take prompt remedial action, including shutdown of operating facilities, as it has in the past.<sup>3</sup> In taking

<sup>3</sup>As an example, shortly after the NRC succeeded to the regulatory duties of the former Atomic Energy Commission, it ordered the operators of twenty-three boiling water reactors to shut down within twenty days to inspect for possible cracks in emergency core cooling system piping. See Office of Inspection and Enforcement Bulletin No. 75-01, January 30, 1975, and NRC Press Release No. 75-13, January 29, 1975.

any remedial measures, the Commission must choose actions sufficient to deal with the risk involved.

The second legal matter raised by the petition concerns the relevance of alleged violations of NRC regulations to the relief requested. Petitioner claims that certain of the Commission's regulations are being violated. In enclosure (3) to the staff's filing of November 18, 1977, the Office of the Executive Legal Director (OELD) responded to what it termed the petitioner's argument that the mere existence of a question of full compliance with Commission regulations automatically compels the shutdown of operating nuclear power plants. OELD disagreed with that proposition. Petitioner, on November 23, 1977, responded to OELD's legal position and stated that it "does not allege, nor is it necessary to allege, that any violation of the regulations calls for a shutdown of operating reactors." (Emphasis in the original.) Rather, petitioner argued that a shutdown and other relief are required because of both a violation of regulations and a risk to public health and safety. In the December 15 filing, the staff has expressed general agreement with this latter formulation. The staff position is that while a violation of a regulation does not by itself result in a requirement that a license be suspended, if public health and safety is threatened as a result of a discovered violation, prompt remedial action must be taken. The staff submits that a wide range of remedial actions are available to the Commission, including shutdown of reactors.

The Commission agrees with the staff that a violation of a regulation does not of itself result in a requirement that a license be suspended. As the Atomic Energy Commission noted in denying a petition to shut down twenty reactors some years ago:

It goes without saying that a violation posing an undue risk to public health and safety will, of course, result in prompt remedial action, including shutdown if necessary. In other instances, however, the Commission has a wide spectrum of remedies for dealing with violations of regulations. These include show cause proceedings and proceedings for civil monetary penalties. The choice of appropriate mechanism for correction of an assumed violation rests within the sound discretion of this agency. In exercising this discretion, our paramount concern is with the public health and safety. *Petition For Shutdown of Certain Reactors*, 6 AEC 1069, 1071 (1973).

Both the Atomic Energy Act and NRC regulations support the conclusion that the choice of remedy for regulatory violation is within the sound judgment of the Commission, and not foreordained. See 42 U.S.C. 2236, 2282, 2280; 10 CFR 50.100.

The final legal matter requiring discussion is whether any Commission regulations are violated. If there are violations, consideration of appropriate enforcement actions is required.

Petitioner alleges that the Sandia tests demonstrate that nuclear powerplants do not conform to General Design Criterion 3,<sup>4</sup> which deals with fire protection, General Design Criterion 4,<sup>5</sup> which deals with environmental qualification, and the single failure criterion. General Design Criteria (GDC), as their name implies, are "intended to provide engineering goals rather than precise tests or methodologies by which reactor safety be fully and satisfactorily gauged." *Nader v. NRC*, 513 F. 2d 1045, 1052 (1975). They are cast in broad, general terms and constitute the minimum requirements for the principal design criteria of water-cooled nuclear powerplants. There are a variety of methods for demonstrating compliance with GDC. Through regulatory guides, standard format and content guides for safety analysis reports, Standard Review Plan provisions and Branch Technical Positions, license applicants are given guidance as to acceptable methods for implementing the general criteria. However, applicants are free to select other methods to achieve the same goal. If there is conformance with regulatory guides, there is likely to be compliance with the GDC. Even if there is nonconformance with the staff's guidance to licensees, the GDC may still be met.

With regard to the single-failure criterion (SFC), the requirements of Appendix A to 10 CFR Part 50 and

"Criterion 3—Fire protection. Structures, systems, and components important to safety shall be designed and located to minimize, consistent with other safety requirements, the probability and effect of fires and explosions. Noncombustible and heat resistant materials shall be used wherever practical throughout the unit, particularly in locations such as the containment and control room. Fire detection and fighting systems of appropriate capacity and capability shall be provided and designed to minimize the adverse effect of fires on structures, systems, and components important to safety. Firefighting systems shall be designed to assure that their rupture or inadvertent operation does not significantly impair the safety capability of these structures, systems, and components."

"Criterion 4—Environmental and missile design bases. Structures, systems, and components important to safety shall be designed to accommodate the effects of and to be compatible with the environmental conditions associated with normal operation, maintenance, testing, and postulated accidents, including loss-of-coolant accidents. These structures, systems, and components shall be appropriately protected against dynamic effects, including the effects of missiles, pipe whipping, and discharging fluids, that may result from equipment failures and from events and conditions outside the nuclear power unit."

50.55a(h) applicable to fire protection and environmental qualification do not establish a set of design basis events. Rather, they establish standards for design and performance of electrical systems to assure that such systems are capable of performing as required.

The Commission has determined, based on all the information made available to it in the course of this proceeding, that plants under construction or in operation are in compliance with GDC 3 and 4 and that the Sandia tests results do not demonstrate violations of those GDC. In the succeeding portions of this decision, the reasons supporting this determination are set forth in detail.

### III. ELECTRICAL EQUIPMENT QUALIFICATION

#### 1. RESEARCH PROGRAM

The purpose of the NRC Qualification Testing Evaluation Program is to obtain data to examine the validity of methods for environmental testing of safety-related equipment as set forth in current standards and regulatory guides. The Sandia tests were to examine the testing program specified by the Institute of Electrical and Electronic Engineers (IEEE) Standard 323 (1974), endorsed by the NRC Regulatory Guide 1.89 (for qualifying Class IE<sup>6</sup> equipment for nuclear power generating stations), i.e., these were to be tests of the environmental testing methodology and not tests for component qualification.<sup>7</sup> The IEEE Standard allows the environmental testing to be performed sequentially.<sup>8</sup> The Sandia tests were to subject qualified electrical components to both simultaneous and sequential exposure to environmental conditions, to determine if

<sup>6</sup>Class IE is the safety classification of electric equipment and systems essential to emergency reactor shutdown, containment isolation, reactor core cooling, and reactor heat removal, or otherwise essential in preventing significant release of radioactive material to the environment.

<sup>7</sup>NRC has not conducted qualification tests of specific components incorporated in nuclear powerplants, but rather has reviewed the results of licensees' qualification programs and quality assurance practices. However, the Commission is requesting the staff to provide it with an analysis of alternatives (including estimates of cost and manpower resource requirements along with potential benefits) for conducting independent verification testing of environmentally qualified equipment which is required to operate safety systems.

<sup>8</sup>Environmental testing is testing performed on representative equipment to verify adequacy of design and manufacturing processes and to confirm satisfactory operation under accident conditions. The environmental parameters for sequential testing include separate exposure of a component to nuclear radiation, steam at high temperature and pressure, and, for pressurized water reactors only, caustic solution spray.

there were any synergistic effects. (These tests were intended to answer questions such as—would exposure to steam, caustic spray, and nuclear radiation at the same time have a different degrading effect on materials than separate, sequential exposures to each environmental parameter?). Comparison of the test results was intended to assess the adequacy of the sequential testing (specified in the Standard) as being representative of actual accident conditions where all environmental parameters exist simultaneously. In three tests conducted on January 21, March 4, and July 12, 1977, all 12 of the connectors<sup>9</sup> tested eventually failed under either sequentially or simultaneously imposed conditions. The staff subsequently determined that none of these connectors were, in fact, qualified to the IEEE Standard.<sup>10</sup> As a result, the Commission finds that definitive conclusions pertaining to the test methodology were not obtained. Retesting with qualified connectors under the NRC program has not yet been conducted.<sup>11</sup>

## 2. REGULATORY APPROACH

Fundamental to NRC regulation of nuclear power reactors is the principle that safety systems must perform their intended functions in spite of the environment which may result from postulated accidents.<sup>12</sup> For example, if an electrical component is required to function in a safety system which was designed to mitigate the consequences of certain accidents, that component must perform its intended function for postulated accidents such as: (a) Loss-of-coolant accident (LOCA), (b) main steam line break (MSLB), or (c) failure of any other high-energy confining system. Confirmation of the adequacy of this equipment to remain functional under postulated accident conditions constitutes environmental qualification. Environmental qualification

<sup>9</sup>Electrical connectors are devices used in some systems to allow attachment or removal of electric supply to certain components, without requiring cutting of electrical cables.

<sup>10</sup>The vendor for one set of connectors asserted that it had been qualified to IEEE-323 (1971). However, the test profile used to support the assertion made by the supplier was less severe than that of the IEEE standard. As a result, the staff has concluded that none of the connectors in the Sandia tests were fully qualified to IEEE-323 as required for service in a LOCA environment. See staff memoranda: January 20, 1978, p. 2; November 22, 1977, Enclosure 1, p. 33, and Enclosure 2, pp. 2-3.

<sup>11</sup>However, the Commission is directing the staff to: (a) repeat the test program with connectors qualified in accordance with IEEE-323 (1974) and Regulatory Guide 1.89, and (b) provide a plan for a review of the adequacy of the quality assurance practices for NRC-sponsored confirmatory research programs.

<sup>12</sup>The controlling regulation here is 10 CFR 50, Appendix A, General Design Criterion 4.

may be achieved by actual testing of components, by engineering analysis, or a combination of both.

## NRC ACTIONS

On November 7, 1977, the Commission directed the NRC staff to report in writing by November 9, 1977, on any matters of safety significance raised by the UCS petition which required immediate Commission action and to discuss the three specific requests for immediate actions set forth above as items d., e., and f.<sup>13</sup> An order was issued by the Commission on November 9, 1977, which directed the staff to evaluate the entire petition and provide its views on all questions raised therein by November 25, 1977.<sup>14</sup> The views of licensees and the public were also solicited.<sup>15</sup> In an open meeting on November 11, 1977, the Commission received a briefing from the NRC staff on the emergency aspects of the petition and, on the basis of information provided at this briefing and the staff's filing of November 9, 1977, the Commission determined that no immediate actions were required at that time. The staff indicated that it was conducting a telephone survey on the use of connectors inside containment. In addition to the telephone survey, the staffs issued two Inspection and Enforcement (IE) Bulletins 77-05<sup>16</sup>

<sup>13</sup>While section 2.206 of the Commission's Rules of Practice, 10 CFR 2.206, provides that petitions such as this should be addressed to the appropriate NRC Office Director, the Commission does have inherent power to exercise jurisdiction in the first instance. The Commission's election in this case to exercise its prerogative to rule on the petition rather than refer the matter to the Director, Office of Nuclear Reactor Regulation, is not intended to establish a precedent for circumventing the procedure set forth in Section 2.206. Sound allocation of Commission resources dictates that this inherent power be used sparingly.

<sup>14</sup>The Commission subsequently granted two staff requests for extensions of time within which to file its response to all questions raised, because the staff's efforts had been directed to evaluation of the emergency aspects of the petition on a priority basis. The staff response was received on December 15, 1977.

<sup>15</sup>Forty-six responses were received from licensees (or their representatives), public interest groups and members of the public. Twenty-five of these commentators urged denial of the petition, 15 supported the petition, four expressed no position, and two requested continuances (and subsequently provided responses which are included in the categories above). These responses were considered by the Commission in reaching its decision in this matter.

<sup>16</sup>On November 8, 1977, IE Bulletin 77-05, "Electrical Connector Assemblies," was sent to all licensees and permit holders directing them to provide information on connectors used in safety systems located inside containment, subject to LOCA environment and required to be operable during LOCA. Information was requested within 30 days for operating reactors and 60 days for reactors under construction.

and 77-05A<sup>17</sup> which directed licensees and permit holders to provide information on connectors used in safety systems inside and outside containment.

Upon completion of the IE bulletin survey of the use of electrical connectors, the staff was directed to prepare a written report containing the results of that survey and the status of the qualification test review, and to address the questions raised in petitioner's letter and supplemental affidavit of November 10, 1977, to the Commissioners. The staff was also requested to provide written answers to questions posed by Commission offices on the subject of the petition. On November 17, 1977, the UCS filed a Second Supplemental Affidavit of Robert D. Polard, its expert, which responded to the staff's submissions up to that time.

The staff reported the completion of its preliminary survey on the use of electrical connectors in safety systems inside containment in operating plants on November 18, 1977. The staff reaffirmed the conclusion of its report of November 9, 1977, that the immediate Commission actions requested by UCS were not warranted for all operating reactors. However, action was required for D. C. Cook Unit No. 1. This unit was taken out of service on November 18 by the licensee. This action, confirmed by a staff order issued at the same time, followed a meeting between the licensee and the staff during which the licensee was unable to adequately document the qualification of the electrical connectors used in plant safety systems. The staff also informed the Commission of the actions the staff had taken regarding 12 other plants which had been identified as using connectors in such systems. For these plants the staff had requested licensee submittal of documentation of test procedures and results to demonstrate that connectors used are capable of performing in a LOCA environment by a specified date. If such data were lacking, justification for operating beyond that date was required. The staff also provided a legal analysis of petitioner's arguments regarding enforcement of NRC regulations. UCS subsequently reiterated their legal arguments in a filing dated November 23, 1977, which the staff responded to in its December 15, 1977, report, pg. 78.

On November 22, 1977, the staff filed its response to the UCS letter and Supplemental Affidavit of November 10, 1977, and the questions posed by Commission offices. It also included

<sup>17</sup>On November 14, 1977, supplemental IE Bulletin 77-05A was sent to all licensees and permit holders directing them to provide information on all connectors in safety systems located either inside or outside containment and required to function to mitigate an accident where the accident itself could adversely affect the ability of the system to perform its safety function.

copies of letters sent to several licensees requesting further information on electrical connectors in their plants. The staff stated that upon review of the Supplemental Affidavit its view was that the affidavit contained no new information not previously considered in the staff's report of November 9, 1977, and was essentially a restatement of the concerns raised originally in the UCS petition. In addition, the staff provided its analysis of each of the statements in the Supplemental Affidavit.

On November 25, 1977, the staff supplemented its reports of November 9, 18, and 22, 1977. In its November 25 memorandum, the staff discussed actions taken regarding the Oyster Creek reactor (which was identified as having connectors in safety systems within the containment), and reported results of the staff review of the use of connectors inside the containment on Target Rock safety relief valves used on some boiling water reactors (BWRs).<sup>18</sup> The staff also provided a further status report on the D. C. Cook plant, which had been shut down earlier. The staff further reported that work was continuing on another environmental qualification matter cited in the UCS submittal of November 17, concerning electrical penetrations. Office of Inspection and Enforcement (IE) Bulletins 77-06 and 77-07 were issued on November 22 and December 19, respectively, requiring licensees to provide information on the use of certain electrical penetration assemblies. Penetrations of this type at Millstone Unit No. 2 had experienced electrical shorts.

On December 6, 1977, the staff issued another supplement to its previous reports. It discussed the further results of its preliminary survey of electrical connector use, provided the initial results of the preliminary survey of containment electrical penetrations in operating plants, a review of the petitioner's more recent filings, a summary of activities taken by staff, and future actions under consideration with regard to the environmental qualification of other safety-related electrical equipment in nuclear power plants.

<sup>18</sup>In the course of conducting its preliminary survey the staff thought it had identified additional plants using connectors in safety systems inside the containment. The staff had advised the Commission in its November 22, 1977, filing that they were concerned with connectors associated with Target Rock safety relief valves used on certain BWR systems. The staff noted, at that time, they would continue evaluation of these connectors to determine whether they must function in the event of a LOCA. On November 25, 1977, the staff adequately explained why it had later concluded that these electrical connectors were not required to function in an accident environment, because these connectors did not serve a safety system function.

The Commission received a second briefing on the emergency aspects of the petition by the staff in an open meeting on December 8, 1977. At his own request, the petitioner's expert, Mr. Pollard, was accorded an opportunity to comment on matters relevant to the USC petition.<sup>19</sup> Mr. Pollard availed himself of this opportunity to make a presentation and answer questions of the Commissioners.

Subsequently, on December 15, 1977, the staff submitted its report on the totality of the matters raised by the petition. The staff explained the actions it had taken concerning the qualification of electrical connectors, containment electrical penetrations, and other safety-related electrical equipment in response to the Sandia tests, recent operating experience, and the UCS petition. The Commission met in open session on December 22, 1977, for a briefing on the December 15 report by the staff, including questioning of the staff.

On January 6, 1977, the staff provided a report which updated the status of the investigation of the use of electrical connectors. In particular, the staff had determined that environmental qualification information for the Pilgrim Unit 1 was incomplete. In meetings with the licensees, the staff determined that additional information was required to permit evaluation regarding safety of extended oper-

<sup>19</sup>Counsel for petitioner had requested in a letter dated November 17, 1977, that the Commissioners call Mr. Pollard to appear before them if they had any questions and that he be allowed to participate in any further staff briefings of the Commission. At an open meeting on December 7, 1977, the Commission voted to grant petitioner's request. The granting of petitioner's request in this instance, however, is not to be construed as a precedent and the Commission does not intend to make such arrangements a regular feature of Commission practice. An attorney (Mr. Troy Conner), who had provided comments on the petition pursuant to the Commission's Order of November 9, 1977, filed an objection to the UCS participation request. In the event that the Commission granted the USC request, he asked that those opposed to the granting of the petition, himself included, be afforded a similar opportunity. In the interest of fundamental fairness, the Commission accordingly scheduled time equal to that afforded the UCS to hear from those opposed to the petition at a subsequent briefing on December 22. Prior to that briefing the Commission was advised that those invited to present their opposition viewpoint did not wish to exercise this opportunity. Even in assessing this request for relief of an emergency nature, the Commission had continued the policy established in its general handling of the petition, of formulating a framework for principled decisionmaking "including the crucible of debate through the clash of informed but opposing scientific and technological viewpoints," as suggested by Chief Judge Bazelon of the United States Court of Appeals for the District of Columbia in *Friends of the Earth v. AEC*, 485 F. 2d 1031 (1973).

ation, but that operation until a planned shutdown on January 21 would not endanger public health and safety. Additional qualification testing of electrical connectors would be required prior to resumption of power operations after this planned shutdown.

In a subsequent report of January 13, the staff stated that Pilgrim Unit 1 was shutdown by the licensee on January 9 as the result of unsatisfactory performance of a typical connector during a preliminary screening test. Inspection of this connector indicated problems associated with the method of installation in the facility. The Pilgrim Unit 1 was to remain shut down until satisfactory testing was completed, or qualified devices were substituted for these connectors.

In this January 13 report the staff also provided a current status of the review of electrical connectors. Additional qualification testing was to be performed for six reactors<sup>20</sup> other than Pilgrim. In addition, the staff stated that the Connecticut Yankee (Haddam Neck) licensee had replaced connectors (for which no adequate qualification documentation existed) with terminal blocks inside sealed junction boxes.

The staff's January 13 report also gave the results of investigations of electrical penetration assemblies. Based on reviews of test results and comparative design analysis the staff has concluded that penetrations in all operating reactors are environmentally qualified for LOCA conditions. In a later report dated March 23, 1978, the staff indicated that some follow-up confirmation tests are planned by July 1978 for penetrations used in Connecticut Yankee (Haddam Neck); periodic checks will be made on penetrations at Yankee Rowe. At Millstone Unit 2 (where the problem was initially identified) penetrations will be replaced prior to resumption of operations.

On January 20, 1978, the staff provided its response to a "Draft Memorandum and Order" filed by UCS on January 9.<sup>21</sup> The staff's position was that UCS had provided no new facts, but rather the January 9 filing was a restatement of previous UCS positions. In this submission the staff provided responses (or referenced responses in its earlier submission), for each of the UCS contentions. The staff recommended that the Commission not adopt the "Draft Memorandum and Order."

<sup>20</sup>Six reactors for which tests of qualification under LOCA radiation exposure conditions were planned (steam and, as appropriate, caustic spray testing have been satisfactorily completed) were: Browns Ferry Units 1, 2, 3; Nine Mile Point; Maine Yankee and Oyster Creek.

<sup>21</sup>In this filing, UCS requested Commission permission to make reference to the Unofficial Transcript of the December 22,

On January 27 the staff reported that the licensee of the Connecticut Yankee Plant had informed them that environmental qualification data did not exist for electrical terminal blocks<sup>22</sup> which had been used as replacements for unqualified connectors. In addition, the staff reported that a large number of similar terminal blocks were in use by this licensee in safety related systems inside containment. Environmental qualification screening tests were conducted by the licensee in which one type of terminal block failed while two other types passed the tests. The staff concluded that this failure demonstrates that this type of terminal block is not environmentally qualified.

The staff promptly initiated a telephone survey of all operating plants to determine if other plants used any type of terminal block for which there is not complete environmental qualification. An IE Bulletin 78-02 was issued on January 30 requiring all power reactor licensees to provide follow-up documentation.

On February 3, 1978, the staff provided another report updating that status of both the Pilgrim connectors and the results of the telephone survey on the use of "unprotected" terminal blocks inside containment in safety-related systems (unprotected terminal blocks are those which are not enclosed in metal boxes). In the Pilgrim case, the licensee has replaced all safety-related electrical connectors with fully qualified splices. From the telephone survey on terminal blocks, three facilities (Yankee Rowe, Rancho Seco, and Ginna) in addition to Haddam Neck were identified as using unprotected terminal blocks in safety systems. The staff met with the licensee responsible for each of these facilities.

The staff provided another report on February 10, 1978, which included the status of qualification programs

for electrical connectors in use at the previously identified six reactors. Furthermore, additional information was provided in response to issues raised by UCS in a letter dated January 20, 1978.

On February 17, 1978, the staff supplied information which corrected a portion of the February 10 memorandum. In the February 10 report, the staff had indicated that electrical connector qualifications for the Browns Ferry Units 1, 2, and 3 had been completed. On February 13 the staff reported that although the licensee had earlier informed them that testing was incomplete, due to a misunderstanding within the staff, that led to an error in the February 10 report which indicated that this testing was complete. On that same day, the licensee notified the staff that certain electrical connectors for Unit No. 3 had failed under test. Follow-up information was provided by the staff in a February 18 memorandum. Failure of the electrical connectors for Browns Ferry 3 had occurred due to excessive temperatures and non-representative environment being applied during an accelerated aging test. The staff reported that the licensee had made a commitment to replace these connectors with environmentally qualified splices at the next refueling (scheduled for September 1978), and, for the interim, a detailed test plan was being developed by the licensee to provide the results of environmental qualification testing by March 17, 1978.

In this February 18 memorandum the staff also reported that successful environmental testing had been completed for terminal blocks in use at the Rancho Seco plant. Accordingly, corrective actions have been taken for all four of the identified plants (Haddam Neck,<sup>23</sup> Yankee Rowe, Ginna, and Rancho Seco) either to qualify terminal blocks in use or make a replacement with qualified components.

On March 2, 1978, the staff reported that a detailed test plan had been submitted for electrical connectors used in Browns Ferry Unit 3, and that testing was planned to be completed March 20, 1978. Also the staff correct-

<sup>22</sup> In a staff report of March 23, 1978, the Commission was informed that further testing of terminal blocks being conducted separately for D. C. Cook Units 1 and 2 and Haddam Neck has raised questions about their environmental qualification. Subsequently, failure of Haddam Neck terminal blocks enclosed in aluminum boxes (which previously had been satisfactorily tested in steel boxes), resulted in plant shutdown and replacement with steel protective boxes. In a report on March 30, the staff confirmed that steel boxes are now in place at Haddam Neck and that other corrective actions have been taken based on testing results. They also reported that all questionable terminal blocks at D. C. Cook Units 1 and 2 had been replaced with qualified splices.

ed some information regarding the aging tests, which had been given in their earlier memorandum of February 18. The staff concluded that continued operation until completion of the planned tests would not result in an unsafe condition, in light of successful screening test in November 1977 of unaged connectors and of the short time remaining until properly aged components were tested.

On March 18, 1978, the staff reported that two days earlier Browns Ferry Unit 3 had been taken out of service by the licensee upon failure of several Bendix electrical connectors during qualification tests. In a meeting<sup>24</sup> between the licensee and the staff, it was concluded that failures were due to the lack of epoxy potting compound on the outboard end of the connectors. It was further concluded that potting the outboard end would result in qualified connectors, justifying continued operation until the planned shutdown for refueling in September 1978. Potting compound has been added to all connectors in safety systems and inspections have been made. The licensee has made a commitment to conduct further testing in the interim. In September, the licensee will submit for staff approval a recommendation whether potted connectors are fully qualified for the life of the plan or if replacement of connectors with qualified splices is necessary.

In a staff report dated March 23, 1978, a summary was provided of all actions taken to qualify electrical connectors, terminal blocks and penetrations. Details on measures taken to meet specific qualification criteria and a current qualification status of each type of electrical component were provided. A number of ongoing tests were discussed, the results of which will be provided to the Commission and the public. In addition, a summary of inspection and enforcement activities was provided.

#### 4. RESULTS OF STAFF ACTIONS

Responses to IE Bulletins concerning electrical connectors have been received from all licensees for operating reactors, as reported in staff memoranda dated January 13, and March 23, 1978. Of the 67 operating power reactors, 18 were identified as having electrical connectors required to function in the LOCA environment inside the containment structure. A tabulation and summary status of these reactors is given in appendix I. In cases where connectors are used in safety systems outside the containment structure, the staff has confirmed that these connectors are either adequately protected from failures of high energy

<sup>24</sup> A representative of UCS attended meetings on Browns Ferry held on February 17 and March 16, 1978. UCS was notified of other meetings but did not attend.

1977 Commission meeting. The Commission has decided, as a matter of public convenience, that transcripts of open Commission meetings will be available solely for general informational purposes. These transcripts are not reviewed, corrected, or edited and may contain inaccuracies. They are not part of the formal or informal record of decision of the matters discussed. Expressions of opinion in transcripts do not necessarily reflect final determinations or beliefs. The Commission does not believe in this case it is appropriate, or necessary, to authorize reference to this transcript. However, the Commission does note that the information is included in written staff transmittals.

<sup>23</sup> Although not specifically raised by the petitioner, the Commission believes the problems identified with terminal block qualification (which are another means of making connections within electrical systems) are pertinent to the issues raised by the petitioner. Consequently a brief discussion of the use of terminal blocks is considered appropriate here.

line breaks or that these connectors will have performed their safety function before being affected by the accident environment.

In addition to the operating plants, 33 plants under construction have been identified (in response to IE bulletins 77-05 and 77-05A) as having electrical connectors included in the design of safety systems. The licensees of these plants have made a commitment to having environmental qualification for these connectors completed prior to initial operation, and the staff has instructions to specifically review the bases for such qualification.<sup>25</sup>

As detailed in appendix I, licensees of operating powerplants presented data for staff review to support the qualification of electrical connectors. This data consisted of certified test results or engineering analyses, and was intended to support the conclusion that such equipment is capable of withstanding, with adequate margin, the environmental conditions which are predicted to result from accidents during which the equipment must function.<sup>26</sup> The staff review of licensee documentation determined whether that testing was conducted under appropriate conditions (e.g., steam, temperature, pressure, etc.) and whether acceptable engineering practices and data were utilized to review materials and designs used for this equipment. In some cases, comparative analyses were made of equipment where similar materials and designs had been previously demonstrated as being environmentally qualified.

Of 18 plants identified as having electrical connectors in safety systems, 15 of these plants (appendix I table, category A) eventually had documentation which the staff concluded supported environmental qualification for the worst accident conditions calculated for a LOCA<sup>27</sup> (with a conservative margin) of temperature, humidity, steam pressure, caustic spray, flooding and irradiation. The Commission agrees that the staff's conclusions are based on sound engineering practice.

<sup>25</sup>D. C. Cook Unit 2 became operational during the period of review of this petition. (This reactor is counted in the 33 noted above.) As a precondition for initial operation, the staff required the licensee to document adequate environmental qualification of numerous electrical components, including connectors and terminal blocks. (See also footnote 23.)

<sup>26</sup>Of eighteen plants having connectors, 9 were determined to be environmentally qualified without any additional testing. However, for the other 9, extensive additional testing and analyses have been carried out by the licensees and reviewed by the staff specifically in response to the questions raised by the petitioner.

<sup>27</sup>A main steam line break (MSLB) in PWR plants could result in predicted ambient temperatures higher than that of a LOCA, but only for a short period of time (i.e., 60 to 100 seconds). Engineering evalua-

tion of the surface temperature of components inside containment of a MSLB indicate that LOCA conditions would not generally be exceeded (ref. Staff filing of December 15, 1977, appendix B). Additional review of qualification for MSLB's will be undertaken during the first phase of the staff's systematic evaluation program, which is discussed below.

For the remaining three plants, Browns Ferry 3, Nine Mile Point and Maine Yankee (appendix I, category B), environmental qualification is not yet fully documented. Each of these reactors will be discussed in turn. For Browns Ferry 3, epoxy potting has been placed in portions of 11 connectors which originally did not have this material (as already discussed, lack of this material was the cause of failures during environmental tests). The staff determined that test results for properly potted connectors justify continued operation until the planned shutdown for refueling in September 1978. The Commission agrees with the staff and finds that this will not constitute an undue risk to the public health and safety. The licensee has made a commitment to further testing in the interim. In September, the licensee will submit for staff approval, a recommendation whether potted connectors are fully qualified for the life of the plant or if replacement of connectors with qualified splices is necessary.

Nine Mile Point and Maine Yankee both employ the same type of electrical connectors. Thus testing for the Nine Mile Point licensee will satisfy requirements for both plants. Testing has been reported by the licensee to have been satisfactorily completed, with preliminary test results reviewed and concurred in by the staff. The Commission agrees that continued operation of both of these plants will not be an undue risk to the public health and safety, in light of the reported successful tests and confirmation of adequacy made by the staff based on review of the preliminary test results.

For each of the above three plants, the Commission and the public will be informed of any subsequent results and staff conclusions.

If, during this interim period, the results of these testing programs or any other information suggests that the public is exposed to undue risks NRC will take prompt remedial action, including power reactor shutdowns if necessary. With issuance of the shutdown order for the D.C. Cook Unit No. 1 reactor, the staff has clearly demonstrated they will, when appropriate, take definitive action.

In the Commission's judgment, the staff's review of the use of electrical connectors in the Pilgrim reactor deserves special mention. In the staff's initial review, reported in its November 18, 1977, memorandum, Pilgrim was not identified as a reactor which

used electrical connectors in safety systems. This conclusion was based on information received by the staff from the architect-engineering (A-E) firm for Pilgrim. On December 7, contrary to the information from the A-E, the staff was notified by the nuclear steam supply system vendor that electrical connectors were in use. In the December 15 staff report, Pilgrim was listed for the first time as having connectors, with formal documentation of their qualification being awaited by the staff. When the documentation was finally received on December 27 (3 weeks later than requested in IE Bulletin 77-05, dated November 8) the staff determined that adequate qualification data had not been provided. In lieu of qualification data, the licensee submitted only unsubstantiated letters of certification. A meeting was promptly held between the staff and licensee, with the conclusion reached that continued operation would be allowed until a planned shutdown scheduled 3 weeks later. This continued operation was determined to afford no undue risk to the public primarily because: (a) limited environmental testing had established that the connectors would remain operable during at least the initial period of a LOCA; (b) however, if the connectors failed during a LOCA, then backup systems existed to mitigate accident consequences, which would be less severe because of low power operation; and (c) connectors were protected within steel boxes. Plans were made by the licensee to initiate qualification testing of typical connectors, and restart of the reactor was contingent upon satisfactory qualification. During the course of preliminary qualification testing, a connector failed, resulting in a shutdown by the licensee on January 9, 1978. All connectors were eventually replaced with qualified splices.

The sequence of events in the Pilgrim case is not an acceptable model for regulatory or industry performance. Events moved from failure to identify connectors in use, to plant shutdown due to failure of connectors under test and finally to replacement with splices. Because NRC is dependent upon information from licensees, the Commission is particularly concerned that at first apparently inaccurate information was forthcoming from the licensee and subsequently complete information was delayed well beyond the requested date for response. With respect to staff actions in the Pilgrim case, the delay in obtaining and reviewing the Pilgrim documentation was not satisfactory.

In order to fulfill its regulatory obligations, NRC is dependent upon all of its licensees for accurate and timely information. Since licensees are directly in control of plant design, construction, operation and maintenance, they

are the first line of defense to ensure the safety of the public. NRC's role is one primarily of review and audit of licensee activities, recognizing that limited resources preclude 100 percent inspection.

As the Commission has stated in the past:

Our inspection system is not designed to and cannot assume such tasks [to provide full inspection of construction activities]. Rather, we require that licensees themselves develop and implement reliable quality assurance programs which can assume the major burden of inspection. In the *Matter of Consumers Power Company* (Midland Plant, Units 1 and 2) 7 AEC, 7, 11 (1974).

We require instead a regime in which applicants and licensees have every incentive to scrutinize their internal procedures to be as sure as they possibly can that all submissions to this Commission are accurate.

\*\*\* Licensees bear an unavoidable and heavy responsibility for helping insure that nuclear power is utilized safely. In the *Matter of Virginia and Electric Power Company* (North Anna Power Station) 4 NRC 480, 486, 487; affirmed, *Virginia Electric and Power Company v. U.S. Nuclear Regulatory Commission*, — F. 2d — (4th Cir., February 28, 1978).

Furthermore, the Commission notes that some of the licensees' initial responses indicated a lack on their part of detailed knowledge of the quality of installed plant equipment. Licensees must have this detailed understanding of their own plants in order to meet their obligations for public safety by ensuring a sound basis for making assessments of plant safety. The NRC establishes general safety criteria, sets specific requirements for many aspects of reactor design and operation, and ensures compliance with these criteria and requirements by independent audit. While, in the Commission's view, these activities play a vital role in ensuring safe plant operation, they are not a substitute for licensee safety reviews. The licensees must be knowledgeable and vigilant and must take more initiative in ferreting out details of potential plant weaknesses.

The Commission is requesting that the NRC staff carefully review this matter. This review should consider the need for further regulatory actions to include a possible NRC policy statement to re-emphasize the important safety responsibilities of licensees.

In addition, the Commission endorses the staff's planned inspection and enforcement activities, as generally outlined in its March 23, 1977, memorandum. The Commission emphasizes that a comprehensive "lessons learned" evaluation needs to be made, to include: (a) review of all licensee responses (with particular attention to the Pilgrim case), to determine conformance to applicable qual-

ity assurance documentation requirements, as well as the accuracy and timeliness of information provided. (Where justified, appropriate enforcement actions should be taken.); (b) review how electrical equipment, not fully qualified, came to be installed in those plants where found; and (c) review staff actions in the Pilgrim case so that similar delays may be avoided in the future. The staff is requested to provide a report to the Commission which also will be available to the public.

In addition to environmental qualification of electrical connectors, the petitioner in its submittal of November 10, 1977, questioned the qualification of electrical penetrations, because they were "similar in design, materials, and function to electrical connectors". Operating experience from Millstone Unit 2 also led the staff to question the environmental qualification of the electrical penetrations, as a result, the staff conducted a survey of all power reactors. The information thus provided by operating facilities gave reasonable assurance that their penetrations were capable of performing in the LOCA environment. The Commission agrees with the staff conclusions on electrical penetrations. Qualification of penetrations in service at operating reactors was established by review of documented testing or by comparative design analysis. One remaining question on penetrations exists. Although penetrations are qualified without nitrogen pressurization, the staff is reviewing whether nitrogen gas pressure should be maintained within these penetrations where design permits to provide additional protection. The Commission is requesting that it be informed by the staff on the outcome of its review. This information will also be made available to the public.

Confirmation of the safety adequacy and environmental qualification of all Class IE electrical equipment (not limited to connectors, penetrations, or terminal blocks) in operating plants will be examined as a first-priority matter in the NRC Systematic Evaluation Program (SEP).<sup>28</sup> It is expected that in about 1 month the staff review will be reported to the Commission, and made available to the public. The staff review will be sufficient to assess any safety implications in detail to adequately decide whether or not additional review of plants other than those included in the SEP are required.

<sup>28</sup>In the first phase of the SEP review the staff will review a group of 11 reactors, including the oldest operating units. These reactors are Dresden 1 and 2, Yankee Rowe, Big Rock Point, San Onofre 1, Haddam Neck, LaCrosse, Oyster Creek, Ginna Millstone 1, and Palisades.

#### IV. FIRE PROTECTION

##### 1. RESEARCH PROGRAM

The purpose of the Fire Protection Research Program initiated after the 1975 Browns Ferry fire is to provide a data base for evaluation of design standards and regulatory guides for fire protection and control. This program includes, among other research projects, cable fire tests. On July 6, 1977, Sandia conducted a cable fire test with a cable tray configuration consisting of stacked columns of cable trays simulating two safety divisions. These cable tray divisions were arranged in accordance with the minimum separation guidelines of IEEE Standard 384 (1974), endorsed by Regulatory Guide 1.75 for protection against propagation of internally initiated electrical fires: 5 feet vertical and 3 feet horizontal spacing between divisions. The fires were initiated by two different means: one test used internal electrical heating, while the other used external propane-burners (exposure fire) to produce a sustained fire.

Fire propagation did not occur for internal electrically initiated fires. However, an exposure fire initiated in one of the bottom cable trays resulted in fire propagation from one division to the other. For these tests an external source was required to achieve the fully developed fire.

The Sandia tests<sup>29</sup> serve as confirmation of the conclusion from the review of the Browns Ferry fire. As a result of the Browns Ferry review, the staff had made the assumption that exposure fires may propagate beyond the distances set forth in Regulatory Guide 1.75, and has since required additional fire protection measures for nuclear power plants.

##### 2. REGULATORY APPROACH

NRC regulations call for fire protection in nuclear power plants because damage to electrical cables (as well as other equipment) as a result of fire may result in loss of ability to safely perform plant shutdown functions (GDC-3). The fire protection program

<sup>29</sup>The results of the Sandia fire tests on electric cables were: (1) electrically induced fires in cables in these tests did not spread beyond those separation minima set forth in IEEE-384 and Regulatory Guide 1.75; and (2) exposure (i.e. externally initiated) fires under cable trays in these tests did spread, causing the cables to burn and the fire to propagate beyond the distances set forth in regulatory Guide 1.75. The exposure fire employed in the Sandia test (i.e., 5 minutes burn time for two propane burners at 70,000 BTU/hr., the use of heat deflectors to concentrate the heat source, burning of the fire for a period of approximately 30 minutes) may well be in excess of the fire reasonably expected to occur, considering current requirements for elimination of combustible materials from cable area, employment of fire watches, provisions of fire detecting and firefighting equipment.

is intended to ensure, through the defense-in-depth principle, that a fire will not prevent safe shutdown and will not significantly increase the risk, of radioactive releases to the environment. Through the defense-in-depth principle the regulations aim at achieving fire protection through adequate balance by:

1. Preventing fires from starting.
2. Detecting and quickly extinguishing fires and limiting their damage.
3. Designing the plant to minimize the effects of fires on essential safety functions.

The Commission endorses the staff's position that no one level of defense-in-depth can be made invulnerable. Strengthening one of the levels can compensate in some measure for reduced safety margins in the others. Cable separation at nuclear power plants is but one design feature to mitigate the consequences of fires. Other fire protection measures include fire detection and extinguishing systems and equipment, administrative controls and procedures, and trained personnel.

### 3. NRC ACTIONS

In the staff filings dated November 9, 10, 22, December 15, 1977, and January 20, 1978, and during the open Commission meetings on November 11, December 8 and 22, the staff set forth the actions already taken or underway in accordance with NRC's Fire Protection Action Plan. The staff presented its conclusion that these actions provide adequate assurance that the safety of the public is protected.

Among the staff actions on fire protection are the following:

(a) Issuance of IE Bulletins on March 24, 1975, and April 3, 1975, ordering certain controls over ignition sources, review of procedures for controlling plant maintenance and modifications that might affect safety, review of emergency procedures for alternate shutdown and cooling methods, and review of flammability of materials;

(b) Inspections of all operating power reactors in April and May 1975 covering the installation of fire stops on electrical cables and penetration seals;

(c) Incorporating in the NRC Operating Reactor Inspection Program more detailed procedures for inspection of fire prevention and protection measures;

(d) Improved inspection of licensee quality assurance practices for fire protection;

(e) Development of new guidelines on fire protection for use in the Standard Review Plan, applicable to all nuclear power plants;

(f) Retention of the Factory Mutual Research Corp. as a technical consultant on fire protection;

(g) Improvement of standards in coordination with the Executive Committee of Nuclear Standards Management Board of the American National Standards Institute (ANSI);

(h) NRC-sponsored research conducted by Sandia Laboratory, which includes testing of cable separation criteria, as well as other fire protection measures (e.g., barriers, coatings);

(i) Initiation of a fire protection evaluation program for all power reactor licensees and applicants; and

(j) Issuance of interim technical specifications for fire protection of operating power plants to cover the period until a full evaluation of plans to achieve conformance with the appendix A (to Branch Technical Position 9.5-1) guidance.

### 4. RESULTS OF STAFF ACTIONS

The need for emergency action was previously considered in the report of the Special Review Group on the Browns Ferry Fire (NUREG-050) in February 1976 and discussed in testimony before the Joint Committee on Atomic Energy on September 16, 1975, and on March 2, 1976. The Special Review Group concluded that emergency action was not required. The following quotation from their report summarizes the basis for that recommendation (NUREG 0050, section 1.3):

A probabilistic assessment of public safety or risk in quantitative terms is given in the Reactor Safety Study [WASH-1400]. As the result of a calculation based on the Browns Ferry fire, the study concludes that the potential for a significant release of radioactivity from such a fire is about 20 percent of that calculated from all other causes analyzed.<sup>30</sup> This indicates that predicted potential accident risks from all causes were not greatly affected by consideration of the Browns Ferry fire. This is one of the reasons that urgent action in regard to reducing risks due to potential fires is not required. The study [WASH-1400] also pointed out that "rather straightforward measures, such as may already exist at other nuclear plants, can improve fire prevention and fire-fighting capability and can significantly reduce the likelihood of a potential core melt accident that might result from a large fire." The Review Groups agrees.

Fires occur rather frequently; however, fires involving equipment unavailability comparable to the Browns Ferry fire are quite infrequent (see section 3.3). The Review Group believes that steps already taken since March 1975 (see section 3.3.2) have reduced this frequency significantly.

\* \* \* \* \*

Based on its review of the events transpiring before, during and after the Browns Ferry fire, the Review Group Concludes

<sup>30</sup>In addition, the Commission notes that the report of the Reactor Safety Study (WASH-1400, NUREG-75/0145, appendix XI, page 3-51) states that this 20 percent value is within the band of uncertainty of the Reactor Safety Study; i.e., the contribution of a Browns Ferry-type fire to overall risk is not statistically significant.

that the probability of disruptive fires of the magnitude of the Browns Ferry event is small, and that there is no need to restrict operation of nuclear power plants for public safety.

However, the Special Review Group recommended improvements in four broad categories: (1) guidance to applicants and licensees; (2) evaluation, inspection, and enforcement procedures; (3) the fire protection programs at licensed facilities; and (4) local governments' emergency procedures. To implement these recommendations, the NRC established an agency-wide action plan called the Fire Protection Action Plan which involves the major program offices, i.e., Nuclear Reactor Regulation, Inspection and Enforcement, Standards Development, Nuclear Regulatory Research, Nuclear Materials Safety and Safeguards, and State Programs. In addition, research laboratories including Brookhaven National Laboratory and Sandia Laboratory have been engaged to provide technical assistance to this program. This action plan brings together all NRC fire protection activities into a single integrated program and is the subject of an agency-wide management by objective program (MBO VIII). Periodic reviews of the progress on this MBO and monthly reports are provided to the Commission. In May 1976, as part of this plan, the staff revised section 9.5.1 of the Standard Review Plan and issued new fire protection guidelines for the implementation of General Design Criterion 3, 10 CFR 50, appendix A.

Progress made since the Browns Ferry fire in reducing the potential severely damaging fires includes:

(a) Requiring strict administrative controls over the handling and storage of combustibles and ignition sources in areas containing safety-related systems;

(b) Modifications to operating power plants to provide fire retarding, fire detecting and fire fighting capability (e.g., flame retardant blankets over cable trays, covered cable trays, line detectors, area smoke detectors, sprinklers, etc.);

(c) Operating procedures that have been developed by licensees to assure safe shutdown in the event of fire;

(d) Additional modifications<sup>31</sup> now being made to operating power plants to decrease the severity of a fire and increase the plant's capability to cope with an unmitigated fire; and

(e) Issuance<sup>32</sup> and implementation of interim fire protection technical speci-

<sup>31</sup>These modifications are being made as a result of the staff's plant-by-plant reviews leading to the issuance of staff Safety Evaluation Reports (SER's). To date eleven such SER's have been issued covering 16 operating units.

<sup>32</sup>Thus far, the staff has issued technical specifications covering 63 operating units.

fications covering the availability of existing fire protection systems and administrative controls, including fire brigade strength and training, and control of combustibles and ignition sources.

Since no new information was forthcoming from the Sandia tests beyond confirmation of the current staff assumption for review of fire protection measures, i.e., that exposure fires may propagate beyond the minimum separation distances of Regulatory Guide 1.75, the Commission concludes that no immediate action is necessary as a result of these tests. Furthermore, the Commission reaffirms that the longer-term actions underway by the staff are both necessary and adequate for the present.

#### CONCLUSIONS

Specific Commission responses to the petitioner's request are as follows:

#### PETITIONER REQUEST

"a. The Commission shall direct the staff to accelerate a testing program to determine the type of physical separation between electrical cables necessary to maintain the independence and to meet the single failure criterion for redundant safety systems."

#### COMMISSION RESPONSE

NRC's Fire Protection Research Program is intended to provide a data base for use in evaluating design standards and regulatory guides for fire protection and control. At the present time, the major emphasis is directed toward the study of the effects of cable tray spacing on fire propagation; however, the program includes other aspects of fire research, such as the effects of materials, coating, barriers, detection and suppression.

We agree with the thrust of the petitioner's contentions that there should be an examination of the fire testing program to determine if it may be beneficially expedited. This examination, however, should not be limited to the portion of the program sought in the petition. The staff is being asked to review this program and to provide the Commission with advice on how the schedule for this program can be improved along with an estimate of the resource requirements. In addition, we expect that the staff will use its best efforts to maintain current schedules for implementation of the reactor plant backfits required for fire protection. The Commission is to be advised in advance if any slippage is anticipated, along with suggested corrective actions.

#### PETITIONER REQUESTS

"b. The Commission shall direct the staff to accelerate a testing program for environmental qualification of connectors.

"c. The Commission shall direct the staff to independently verify the environmental qualifications of all safety-related systems, components and structures."

#### COMMISSION RESPONSE

The Commission's Qualification Testing Evaluation Program was specifically developed to obtain data to examine current standards and regulatory guides for the environmental testing of safety-related equipment required to operate in a LOCA environment. The purpose of the Sandia tests was not to verify the qualifications of any particular electrical component to withstand a LOCA event but rather to evaluate the adequacy of the testing methodology. The environmental qualification of plant-specific electrical equipment is the responsibility of the licensee. One aspect of the NRC role in regulating nuclear power plants is to provide criteria forming the engineering baseline against which licensee system designs, including component specifications, are judged for adequacy. It has not been the staff's practice to certify that any particular components are qualified for nuclear service, but rather the staff independently reviews designs and analyses, qualification documentation, and quality assurance programs of licensees to determine adequacy. The Commission affirms this staff practice as being consistent with NRC's responsibilities for administering a licensing program for reactors under the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq., and the Energy Reorganization Act of 1974, 42 U.S.C. 5801 et seq.

As discussed earlier, expedited NRC and licensee actions have been taken to review, in depth, the environmental qualification of electrical connectors, penetrations and terminal blocks. USC has highlighted an area of regulatory review which heretofore had not been adequately addressed. As a result, under the NRC Systematic Evaluation Program (SEP) the staff will be reviewing and evaluating as a first priority matter the safety adequacy and environmental qualifications of all Class IE electrical equipment. One outcome of this SEP will be recommendations as to whether this review needs to be extended to other plants, beyond those reviewed in the first phase of the SEP.

In addition, because the Sandia tests on environmental qualification were inconclusive, the Commission is directing that this testing be repeated on qualified connectors with the results reported to the Commission and made available to the public. These connectors, qualified in accordance with IEEE-323 (1974), should include a representative sample of those commercially available and in use in nuclear power reactor safety systems.

Finally, the Commission is directing the staff to provide it with an analysis of alternatives (including estimates of resource requirements and potential benefits) for conducting independent verification testing of environmentally qualified equipment which is required to operate in safety systems.

#### PETITIONER REQUEST

"d. All licensing and Appeal Boards should immediately be notified that no further construction permits or operating licenses can be issued until such time as Applicants can demonstrate compliance with applicable regulations, including specifically General Design Criteria 3 and 4 of Appendix A of 10 CFR § 50.55a(h), and the single failure criterion of Appendix A to 10 CFR Part 50."

Except insofar as it has already been complied with in particular cases, this portion of the petition is denied. The licensing reviews performed on construction permit and operating license applications ensure that General Design Criteria 3 and 4 of Appendix A of 10 CFR Part 50, 50.55a(h) and the single failure criterion of Appendix A to 10 CFR Part 50 are met. The Commission notes, however, that due to the issues raised by the petitioner, relevant information developed by the staff has been provided to the following licensing boards: McGuire Nuclear Station, Docket Nos. 50-369, 50-370 (under construction—in OL review), Oyster Creek Nuclear Power Plant, Docket No. 50-219 (operating plant), Peach Bottom Atomic Power Station, Docket Nos. 50-277, 59-278 (operating plants), Ginna Nuclear Power Plant, Docket No. 50-244 (operating plant). Furthermore, in the future, in those instances where items or components are identified for which sufficient basis cannot be demonstrated to assure qualification, the staff is directed to bring this information to the attention of any licensing board considering an application for any facility in which such components are to be used.

The single failure criterion requirements of Appendix A to 10 CFR Part 50 and 50.55a(h) applicable to fire protection and environmental qualification requirements do not establish a set of design basis events. Rather, they establish standards for design and performance of electrical systems to ensure that such systems are capable of performing as required.

The staff reviews, as discussed in Section III of their submittal on December 15, 1977, show that plants meet the requirements and that the Sandia tests do not bear upon consideration of single failure requirements, but rather upon the basic question of conformance with overall design goals.

#### PETITIONER REQUEST

"e. All holders of construction permits shall immediately be notified to

cease all construction activities involving the connectors identified as defective and all activities relating to electrical cables."

#### COMMISSION RESPONSE

This request is denied, because: (1) the licensees for the thirty-three plants under construction with electrical connectors in safety systems made a commitment to have full environmental qualification prior to operation, (2) NRC inspectors have specific instructions to review the licensees' bases for such environmental qualification, (3) fire protection reviews for the electrical cables are being conducted (since January 1978) in accordance with the current guidance on the Standard Review Plan prior to issuance of an operating license, and (4) in the normal licensing review both fire protection and environmental qualification reviews are conducted to ensure compliance with General Design Criteria 3 and 4 of Appendix A to 10 CFR Part 50, 50.55a(h), and the single failure criterion of Appendix A to 10 CFR Part 50.

#### PETITIONER REQUEST

"f. All operating reactors shall immediately be ordered to shut down until such time as the operators can demonstrate compliance with the applicable regulations, including specifi-

cally General Design Criteria 3 and 4 of Appendix A to 10 CFR Part 50, 10 CFR § 50.55a(h), and the single failure criterion of Appendix A to 10 CFR Part 50."

#### COMMISSION RESPONSE

Although D. C. Cook Unit 1, Pilgrim 1, Haddam Neck and Browns Ferry Unit 3 have been shut down (Ginna and Yankee Rowe were already shut down and experienced a longer outage) as the result of investigations in response to this petition, the Commission denies the requested relief sought by the petitioner as it applies to all other power reactors because: (1) in view of the additional improvement of fire safety made in operating power plants since the Browns Ferry fire, coupled with the current Fire Protection Action Plan, those plants can continue to operate without undue risk to the public health and safety; (2) the qualification of electric penetrations, terminal blocks and connectors (as detailed earlier has been demonstrated, or a qualification testing program is underway; and (3) the single failure requirements and GDC, as discussed earlier in the Commission response to request "d" of the petitioner, have been met.

*Required Staff Actions.* The staff is directed to take certain actions, as detailed in Enclosure II.

It is so Ordered.

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

By the Commission.

SAMUEL J. CHILK,  
*Secretary to the Commission.*

#### APPENDIX I

The following table summarizes the qualification criteria and current status of electrical connectors used in safety systems within containment of eighteen operating power reactors. This table is divided into two categories, viz.:

Category A—Plants for which electrical connectors are fully qualified, or replaced, and

Category B—Plants for which electrical connectors are currently only partially qualified.

Nine of the plants in Category A were found to be fully qualified based on documentation which predates filing of the UCS petition. The balance of the plants in both categories A and B undertook qualification programs in response to the UCS petition.

N.B.: The Hatch power reactor—Unit 1 was originally identified as having connectors which were in safety systems inside containment. Response to IE Bulletin 77-05 indicated this original identification was in error; no connectors exist which are required to perform in a LOCA environment. This accounts for the difference in the number of affected plants identified by UCS (19) and in this table (18).

Electrical Connectors Used in Safety Systems Within Containment of Operating Power Reactors

PLANT	ENVIRONMENTAL QUALIFICATION CRITERIA						TEST PROFILE FOR TEMPERATURE AND PRESSURE	REMARKS
	FUNCTIONAL OPERABILITY DURING TEST	STEAM ENVIRONMENT	CAUSTIC SPRAY DURING TEST	RADIATION (PRE-TEST) (SEE NOTE 4)	AGING (PRE-TEST) (SEE NOTE 2)			
A. Electrical Connectors Fully Qualified or Replaced (15 Plants)								
Surry 1 & 2	Yes	Yes	No*	NA**	None	LOCA (Loss of Coolant Accident)	*Connector assemblies protected from spray - **No long term functional requirements - used only for initial actuation of Safety Injection System Status: Qualified (SEE NOTE 1)	
Oconee 1/2/3	Yes	Yes	No*	Yes	Yes	LOCA	*Connector assemblies protected from spray Status: Qualified (SEE NOTE 1)	
FL St. Vrain	No*	NA	NA	NA because of location**	None	Design Basis Accident	+Pre/post functional test performed. ** HTGR - Connector located outside primary enclosure Status: Qualified (SEE NOTE 1)	
Peach Bottom 2/3	Yes	Yes	Yes	Yes	Yes	MSLB (Main Steam Line Break)	Status: Qualified (SEE NOTE 1)	
D.C. Cook 1	Yes	Yes	Yes	Yes*	Yes*	MSLB	Replaced connectors with qualified splices. *Used Raychem data for separate effects tests of radiation & aging. Splices qual. to MSLB profile 340°F (1hr), 250°F (5hr) Status: Qualification of splices complete (SEE NOTE 5)	

Electrical Connectors Used in Safety Systems Within Containment of Operating Power Reactors

PLANT	ENVIRONMENTAL QUALIFICATION CRITERIA							REMARKS
	FUNCTIONAL OPERABILITY DURING TEST	STEAM ENVIRONMENT	CAUSTIC SPRAY DURING TEST	RADIATION (PRE-TEST) (SEE NOTE 4)	AGING (PRE-TEST) (SEE NOTE 2)	TEST PROFILE FOR TEMPERATURE AND PRESSURE		
Alisades	Yes	Yes	No*	Yes	Yes	LOCA	*License Submittal References response by Duke Power Company (Oconee) Status: Qualified (SEE NOTES 1 and 3)	
Algrim 1	Yes	Yes	NA	Yes*	Yes*	MSLB	Connectors replaced with qualified splices. *Used Raychem data for separate effects tests of radiation and aging. Status: Qualification completed	
Irons Ferry 1/2	Yes	Yes	NA	Yes	Yes	MSLB	Initial test followed by full tests with aging and irradiation Status: Qualification completed	
Connecticut Yankee Haddam Neck)	Yes	Yes	No*	By Materials Analyses	None	LOCA	Connectors replaced with 4 terminal blocks. *No automatic spray and protected location. (SEE NOTE 5)	
Dyster Creek	Yes	Yes	NA	Yes	None	MSLB	Repeated tests to confirm initial reliance on earlier Target - Rock Valve Tests. Status: Qualification Completed	

Electrical Connectors Used in Safety Systems Within Containment of Operating Power Reactors

PLANT	ENVIRONMENTAL QUALIFICATION CRITERIA						REMARKS
	FUNCTIONAL OPERABILITY DURING TEST	STEAM ENVIRONMENT	CAUSTIC SPRAY DURING TEST	RADIATION (PRE-TEST) (SEE NOTE 4)	AGING (PRE-TEST) (SEE NOTE 2)	TEST PROFILE FOR TEMPERATURE AND PRESSURE	
B. Electrical Connectors Partially Qualified (3 Plants)							
Browns Ferry 3	Yes	Yes	NA	Yes	Yes	MSLB	Some connectors failed under test due to unpotted ends. Epoxy potting completed. Fully potted connectors tested and qualified for operations until September 78 refueling, then connectors be replaced with splices or lot term qualification established by further tests to be completed by September 78.
Nine Mile Point	Yes	Yes	NA	Yes	None	LOCA	Tests include radiation (also applies to Maine Yankee). Status: Testing satisfactorily completed. Final report to be completed in Mid-April, 1978.
Maine Yankee	Nine Mile Point 1 tests will provide confirmatory information to support previous tests completed by Maine Yankee.						See Nine Mile Point Remarks

## NOTICES

- Note 1: Original test and test documentation found acceptable. (Applies to action taken prior to UCS petition of November 4, 1977)
- Note 2: The staff has not required backfit of the aging requirement of IEEE-323-1974 to any of these plants. Instead, these tests served to provide a severe stress condition (pre-conditioning) which provides margin to assure the adequacy of prototype (one of a kind) testing.
- Note 3: The licensee inspected cable connectors during present refueling outage and found a few missing blank inserts (used as seal for unused pins in multi-pin cable connectors). I&E was notified and licensee is in process of sealing back end portion of all safety-related cable connectors with potting compound, using approved procedures.
- Note 4: The radiation exposure levels reported by the licensees are in the range of values routinely accepted by the staff since about 1970. Some more conservative values which flow from some interpretations of Regulatory Guide 1.89 are under active generic consideration in connection with the implementation of the guide and the NRC's environmental qualification research program at Sandia (see discussion in Appendix A, pg 26, of staff December 15, 1977 report).
- Note 5: Recent tests of terminal blocks inside metal boxes in safety systems in D.C. Cook 1/2 and Connecticut Yankee 1 had raised questions about the adequacy of their environmental qualifications. Staff's report of March 30, 1978, indicated that corrective actions had been taken. D.C. Cook 1/2 replaced all questionable terminal blocks with qualified splices and Connecticut Yankee replaced aluminum enclosures for terminal blocks with steel.

## APPENDIX II

## REQUIRED STAFF ACTIONS

The following provides, in one place, a listing of all the actions which the Commission is directing the staff to take as a result of this decision: (All reports to the Commission resulting from these actions will also be made available to the public).

1. Conduct a prompt review of the fire protection testing program to determine if it may beneficially be expedited, including an estimate of additional resources required if any. To be completed within one month.

2. Use best efforts to maintain the current schedules for implementation of the Fire Protection Action Plan for operating plants and those under licensing review. The Commission is to be advised in advance if any slippage is anticipated, along with the suggested corrective actions.

3. Arrange for a repeat of the tests to obtain data for the verification of current methodology for environmental qualification of electrical components. These tests should be performed with a representative sample of commercially available electrical connectors qualified in accordance with IEEE-323 (1974) and in use in nuclear power reactor safety systems. When available, the test results are to be promptly provided to the Commission.

4. Review the procedures by which the Commission, appropriate staff offices and Licensing Boards are notified of research information which is of safety significance, and followup actions are taken with licensees and applicants. To be completed within one month.

5. Provide the Commission with an analysis of alternatives (including estimates of resource requirements and potential benefits) for conducting independent verification testing of environmentally qualified equipment which is required to operate in safety systems. Alternatives to be provided for information of the Commission in one month, with the full analysis to be completed one month later.

6. Conduct a comprehensive "lessons learned" evaluation to include the following: (a) review all licensee responses (with particular attention to the Pilgrim case), to determine conformance to applicable quality assurance documentation requirements, as well as the accuracy and timeliness of information provided. (Where justified, appropriate enforcement actions should be taken.); (b) review how electrical equipment, not fully qualified, came to be installed in those plants where found; (c) review staff actions in the Pilgrim case so that similar delays may be avoided in the future; and (d) review the need for further regulatory actions to include a possible NRC policy statement to re-emphasize the important safety responsibilities of licensees. Evaluation to be completed within two months.

7. Develop a plan to investigate the adequacy of quality assurance practices for NRC-sponsored confirmatory research program and provide recommendations to the Commission. This plan is to be developed as a coordinated effort among appropriate NRC offices to include RES, NRR, IE AND SD. Consultation with the Department of Energy and appropriate national laboratories is suggested. The plan is to be completed within six weeks.

8. Inform the Commission of results of the staff review of further qualification testing by licensees for which fully documented test results are not yet available (Browns Ferry 3, Nine Mile Point, and Maine Yankee).

9. Inform the Commission of the decision made on the question of whether nitrogen gas will be required for those containment penetrations which can accommodate such pressurization. To be completed within one month.

10. Review the results of the first phase of the Systematic Evaluation Program concentrating on the safety adequacy and environmental qualification of all Class IE electrical equipment. Provide recommendations whether this review needs to be extended to other plants. To be completed within one month.

[FR Doc. 78-10478 Filed 4-18-78; 8:45 am]

[7590-01]

## ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

## Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on May 4-6, 1978, in Room 1046, 1717 H Street NW., Washington, D.C.

The agenda for the subject meeting will be as follows:

THURSDAY, MAY 4, 1978

8:30 a.m.-9:15 a.m.: *Executive Session (Open)*—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities. The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present regarding the request for operation at full power of the Indian Point Nuclear Generating Station, Unit 3. Portions of this session will be closed if necessary to discuss Proprietary Information applicable to this project and provisions for physical protection of this facility.

9:15 a.m.-11:15 a.m.: *Indian Point Nuclear Generating Station, Unit 3 (Open)*—The Committee will hear and discuss presentations by representatives of the NRC Staff and the Applicant related to the request to operate this unit at full power. Portions of this session will be closed if necessary to discuss Proprietary Information applicable to this matter and provisions for physical protection of this unit.

11:15 a.m.-12:15 p.m.: *Executive Session (Open)*—The Committee will hear and discuss reports of Subcommittees, Working Groups, and members on a number of generic matters related to reactor safety including procedures for review of proposed operations at increased power levels, ACRS comments regarding the establishment of a quasi-judicial board to investigate reactor accidents, and calculation of off-site consequences from large atmospheric releases of radioactivity. Qualifications of candidates proposed for appointment to the Committee will also be discussed.

This session will be open to the public except for those portions which must be closed to protect information the release of which would represent an unwarranted invasion of personal privacy.

1:15 p.m.-2:30 p.m.: *Executive Session (Open)*—The Committee will discuss matters for the meeting with the NRC Commissioners including the following matters: Review of proposed nuclear plant operations at "stretch" power; ACRS consideration of the establishment of a statutory quasi-judicial board for investigation of reactor accidents; ACRS Fellowship Program; evaluation of the effects of low-level radiation on nuclear plant workers and the general public in the vicinity of reactors; proposed use of nuclear plant site comparisons based on calculations of the consequences of large releases of radioactive materials; and candidates for appointment to the ACRS.

Portions of this session will be closed as required to protect information the release of which would represent an unwarranted invasion of personal privacy.

2:30 p.m.-3:30 p.m.: *Meeting with NRC Commissioners (Open)*—The Committee will meet with the NRC Commissioners to discuss the items noted above. Portions of this session will be closed as required to protect information the release of which would represent an unwarranted invasion of personal privacy.

3:30 p.m.-4:30 p.m.: *Report on DOE Task Force Report on Review of Nuclear Waste Management (DOE/ER-0004/D) (Open)*—The Committee will hear and discuss a report by representatives of the Department of Energy regarding plans for interim storage and long-term disposal of radioactive wastes.

4:30 p.m.-6:30 p.m.: *Executive Session (Open)*—The Committee will hear and discuss reports of ACRS Subcommittee activity regarding Anticipated Transients Without Scram and reevaluation of NRC siting policies and practices.

The Committee will also discuss proposed ACRS reports to the Nuclear Regulatory Commission regarding the Liquid Pathway generic Study and the Indian Point Nuclear Generating Station, Unit 3.

FRIDAY, May 5, 1978

8:30 a.m.-12 Noon: *Meeting with NRC Staff (Open)*—The Committee will hear presentations from and hold discussions with members of the nuclear Regulatory Commission Staff regarding recent licensing actions and operating experience including environmental evaluation of the Floating Nuclear Plant, review of proposed safe shutdown system for the Oconee Nuclear Plant, and review of LNG storage

facilities at a site near the Calvert Cliffs Nuclear Plant. The NRC Staff will also report to the ACRS on generic matters related to nuclear power plant safety including criteria for combination of seismic and other dynamic loads, proposed reliability data collection system for nuclear power plants, proposed revision of 10 CFR Part 100, Appendix A: Seismic Considerations, and regulatory/safety practices and policies in the United Soviet Socialist Republics. The future schedule for ACRS activities and topics proposed for consideration by the Committee will also be discussed.

**1 p.m.-1:15 p.m.: Executive Session (Open)**—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding the request for operation of the Maine Yankee Atomic Power Station at an increased power level. Portions of this session will be closed if necessary to discuss Proprietary Information applicable to this project and provisions for physical protection of this facility.

**1:15 p.m.-3:15 p.m.: Maine Yankee Atomic Power Station (Open)**—The Committee will hear and discuss reports of representatives of the NRC Staff and the Applicant regarding the request for a power level increase at the Maine Yankee Atomic Power Station. Portions of this session will be closed if necessary to discuss Proprietary Information applicable to this matter and provisions for physical protection of this facility.

**3:15 p.m.-6:30 p.m.: Executive Session (Open)**—The Committee will discuss its proposed reports to NRC regarding the Indian Point Nuclear generating Station, Unit 3, the Maine Yankee Atomic Power Station, and the Liquid Pathway Generic Study.

The Committee will discuss reports of its members regarding miscellaneous ACRS activities such as proposed reorganization of ACRS Subcommittees and Working Groups and proposed meetings of the ACRS with members of the FRG Reactor Safety Committee and the Groupe Permanent of the Republic of France.

Procedures for the conduct of and participation in ACRS meetings were outlined in the FEDERAL REGISTER on October 31, 1977, page 56972. In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can

be made to allow the necessary time during the meeting for such statements.

I have determined in accordance with Subsection 10(d) of Pub. L. 92-463 that it is necessary to close portions of the meeting as noted above to protect Proprietary Information (5 U.S.C. 552b(c)(4)), to preserve the confidentiality of information related to safeguarding of special nuclear material and the physical protection of nuclear facilities (5 U.S.C. 552b(c)(1) and (4)), and to protect information the release of which would represent an unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). Separation of factual information from information considered exempt from disclosure during closed portions of the meeting is not considered practical.

Background information concerning items to be considered during this meeting can be found in documents on file and available for public inspection in the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW, Washington, D.C. 20555 and in the following Public Document Rooms:

**Indian Point Nuclear Generating Station, Unit 3:** Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, N.Y. 10548.

**Maine Yankee Atomic Generating Station:** Wiscasset Public Library, High Street, Wiscasset, Maine 04578.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, telephone 202-634-1371, between 8:15 a.m. and 5 p.m. e.s.t.

Dated: April 17, 1978.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc. 78-10712 Filed 4-18-78; 8:45 am]

[8010-01]

### SECURITIES AND EXCHANGE COMMISSION

[Release No. 14663; SR-Amex-77-261]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

APRIL 11, 1978.

On September 20, 1977, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, N.Y. 10006, filed with the Commission, pursuant to section 19(b) of the Securities Ex-

change Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and rule 19b-4 thereunder, copies of a proposed rule change to amend Amex rule 910, captioned "Restriction of Out-of-the-Money Options" (the "proposal"). The proposal, if adopted, would permit, in certain circumstances; (i) The entry of orders for "deep-out-of-the-money" options, which, if executed, would result in spread positions, and (ii) the entry of orders to purchase "deep-out-of-the-money" puts to offset long positions in either the stock underlying those puts or securities exchangeable or convertible into such underlying stock.

Notice of the proposal, together with its terms of substance, was given by publication of a Commission release (Securities Exchange Act release No. 14088, October 21, 1977) and by publication in the FEDERAL REGISTER (42 F.R. 57187 (November 1, 1977)).

The Commission finds that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and, in particular, the requirements of section 6 of the Act and the rules and regulations thereunder.<sup>1</sup>

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposal be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-10525 Filed 4-18-78; 8:45 am]

[8010-01]

[Release No. 34-14665; File No. SR-DTC-78-6]

DEPOSITORY TRUST CO.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 31, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

<sup>1</sup>It should be noted, however, that the Commission is currently conducting a study and investigation of the options markets. Based upon the results of that study, it may be necessary in the future for the Commission to make findings contrary to the one stated herein and therefore to revise its position respecting exchange rules relating to trading in deep-out-of-the-money options.

TEXT OF THE PROPOSED RULE CHANGE

FEES SCHEDULE FOR MAJOR SERVICES

- A. Usage Charge \$200 per month.
- B. Deliveries via Book-Entry (This covers Institutional-Delivery (ID) System Delivery or Receipt Orders and) \$200 per month.
- C. Miscellaneous Deliver Orders (MDOs) for the [74e] 70¢ for each item delivered, received, or re-movement of shares from the DTC account of one Participant to another Participant (including settlement services).
- D. Institutional Delivery (ID) System (including settlement services) 64¢ for each item delivered or received.

- E. Interdepository Deliveries This covers only deliveries between a Participant of 70¢ surcharge (above the [74e] 70¢ described in B) DTC and a different Participant of another depository for each item delivered, received or reclaimed.
- F. Deliveries via Book-Entry to Continuous Net Settlement (CNS) Systems 140¢ 27¢ for each item delivered or received. (See B above.)

- G. Conditional Deliver Orders (CDOs) 1. For book-entry movements of borrowed securities from lending Participants to borrowing Participants (including settlement service). [74e] 70¢ for each item delivered or received.
- 2. For return by DTC of borrowed securities not needed (including settlement service). No charge
- H. Deposit of Physical Certificates [10e] 30¢ per deposit with no limit on the number of certificates or shares for the issue being deposited. \$1.55 per deposit received between the hours of 11:00 a.m. and 11:30 a.m. Eastern time. \$25.00 per deposit. Discount for bulk deposits varies based on DTC's costs.

- I. Transfer to Customer or Firm Name (W/7). For each separate assignment ("Facfold"). 63¢ per assignment submitted on paper documents. 56¢ per assignment submitted on magnetic tape.
- J. Withdrawal of Nominee Certificates (COD): 1. a. For each regular withdrawal. [\$1.60] \$2.65 per withdrawal. b. For each certificate after the first certificate. [39¢] 55¢ per certificate.
- 2. For each Fast Automated Securities Transfer (FAST) withdrawal. [\$1.60] \$3.50 per withdrawal.

- K. For each FAST certificate after the first certificate. [75¢] 55¢ per certificate.
- L. Collateral Loans 1. For each security (line item) pledged, released or substituted. 42¢ per line item assessable to each of the pledgee and pledgor. 2. Monthly Pledgee Bank usage fee. A Participant which is also a Pledgee Bank pays only a single usage fee. 3. Collateral Loan Report. a. A detailed daily report of a bank or broker Participant's DTC collateral loans valued to the "market". Distributed each day of the month. b. Individual daily copies of this report are also available upon request.

- M. Error Charge. For each pledge or release returned to a Participant because of error. From 0 to 1% 1 to 3% 3 to 5% Over 5% No Charge \$5 per reject \$10 per reject \$15 per reject
- N. Maintenance of Long Position 1. For each issue (monthly) based on the daily average. [42¢] 49¢ per issue. 2. For each 100 shares or \$4000 bonds (monthly), \$1000 bond-25 shares) based on the average daily number of shares or bonds. \$1000 \$2000 \$3000 \$4000 \$5000 \$6000 \$7000 \$8000 \$9000 \$10000

- O. Deposit & Transfer Error Charge For each deposit & transfer returned to a Participant because of error. From 0 to 1% 1 to 3% 3 to 5% Over 5% No charge \$5 per reject \$10 per reject \$15 per reject

- P. Form Charge For forms provided by DTC. N. Participant Output Services (Optional) 1. Master file of eligible securities. A. List of those issues that are eligible for DTC activity. Hardcopy Booklet Monthly \$3 per copy

- Additional Hardcopy Booklet Upon request \$3 per copy
- Hardcopy File Printout Upon request \$25 per copy
- Cards Upon request \$100 per deck
- Mag. tape (supplied by Participant) Upon request \$100 per tape

- 2. Position Statement Total share position on deposit in DTC detailed by the accounts in which the position is resident. Share position is listed by issue. Monthly Upon request No charge (list copy) \$25 per copy
- 3. Daily Activity Statement A detailed statement of activity on a given business day. Daily Upon request \$50 per copy
- Additional Hardcopy Upon request \$50 per tape
- Additional Hardcopy Daily \$550 monthly

- 4. Sub-accounting To enable a Participant to segregate a portion of its security position for whatever reason it deems necessary. Note that all DTC activity (deliveries, withdrawals, etc.) originates from the General or Interim Free account. Consequently, all segregated positions must first be moved out of the sub-account before being eligible for further activity. 45¢ for each of the move into and the move out of the sub-account. Monthly \$100 monthly \$250 monthly

- 5. Investment Identification (Billed under Sub-Accounting) To enable a Participant to segregate and identify a portion of its security position for tax identification purposes. 45¢ for each of the move into and the move out of the investment identification account. Monthly \$200 monthly \$250 monthly

- 6. Options (Billed under Collateral Loans) To enable a Participant to block securities to the Options Clearing Corporation. 42¢ per line item for each of the blocking and the subsequent release. 30¢ per deposit with a \$100 minimum and a \$200 maximum.

- 7. Facility Bank Usage Fee (monthly). 12¢ per issue per deposit chargeable to the depository Participant with no limit on the number of certificates or shares. In addition, [10e] 30¢ fee as stated in [E] F above is also applicable. [74e] (58¢ delivery fee plus 16¢ settlement fee) 70¢ per issue chargeable to the receiving Participant. Upon request \$3.00 per request

- 8. Reconciliation Special Charges 1. Photocopies of statements or certificates. \$1.00 per request
- 2. Photocopies of certificate numbers. \$2.00 per request
- 3. Photocopies of certificates front and back. According to nature of research.
- 4. Research on aged and other special issues.

**T. Participants Fund**

The Fund consists of Participant contributions of cash and pledged securities. The amount of each Participant's contribution is adjusted periodically based upon the formula "2 1/2% of average daily gross settlement debits and credits." Each Participant must contribute a minimum of \$10,000 in cash. Any required indebtedness above \$10,000 can be secured by pledging AAA or AA government or municipal bonds or notes or AAA DTC eligible corporate registered bonds. Refer to DTC Rule 4 for specific guidelines.

U. Additional Accounts  
 1. If a Participant elects to open an additional DTC account(s), such account(s) will be subject to an additional monthly Usage Charge.  
 2. When calculating the Participants Fund contribution, gross debits and credits will be totalled for all DTC accounts. Separate minimum \$10,000 cash contributions will not be required for each additional account.

V. Underwritings  
 Billed to managers of underwritings.

W. Dividend Reinvestment Service

X. Municipal Bonds  
 1. Deposit of municipal bonds in bearer form at the transfer agent (in addition to regular DTC deposit fee).  
 2. Withdrawal of municipal bonds in bearer form (in lieu of any other DTC withdrawal fee).

Y. Participant Terminal System (PTS)  
 1. Rental of terminal  
 2. Inquiries (other than ID inquiries) or automatic notifications through Participant's terminal.  
 [MDOs entered through Participant's terminal.]  
 [CODs entered through Participant's terminal.]

Z. Dividend/Interest Credits  
 AA. Institutional Delivery (ID) System. Confirm  
 1. By paper, card or magnetic tape at DTC.  
 2. By PTS or dial-in.  
 3. By facsimile transmittal.  
 4. By magnetic tape transmittal.  
 BB. Corrections to erroneous MDOs and CDOs.

\$2 per million dollars principal amount for bonds (\$70 minimum—maximum \$1,000).  
 \$8 per million dollars offering value for stocks (same minimum and maximum).  
 \$8.10 per instruction.

Fees (per deposit and/or per certificate), if any, charged to DTC by the transfer agent.

\$1.00 per withdrawal, plus fees (per withdrawal and/or per certificate), if any, charged to DTC by the transfer agent.

\$445 per month plus any applicable taxes and related communications line costs.  
 No charge for first 2,000 units per month; 1¢ for each additional unit.  
 [55¢ per instruction on the deliver side.]  
 [\$.157 per withdrawal]  
 25¢ each  
 15¢  
 15¢  
 35¢  
 25¢  
 \$2.00 per correction.

**STATEMENT OF BASIS AND PURPOSE**

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed changes in the fee schedule for major services is to move major service fees closer to costs without establishing fees which would unduly discourage use of the depository system for book-

entry settlement and immobilization of securities. Certain of the proposed changes also increase 1978 gross revenues slightly over revenues estimated from the present fee schedule.

The proposed rule change would carry out the purposes of section 17A of the Securities Exchange Act of 1934 by equitably allocating fees among DTC participants.

Comments regarding a test fee

schedule which differs somewhat from the fee schedule set forth in item 1 were solicited from DTC participants and pledgees by the DTC important notice dated February 10, 1978 attached as exhibit 2 to DTC's filing on form 19b-4A, file No. SR-DTC-78-6. The changes in the fee schedule in item 1 as compared with the fee schedule in exhibit 2 were made in response to the comments described below and other recent developments.

Comments focused on five main areas: (1) The COD fee proposed is too high, creating a hardship for some brokers which must deliver physically to institutions and for some banks which must deliver to non-DTC brokers. The COD fee would encourage brokers which can do so to hold securities in-house, thereby avoiding the fee when physical deliveries must be made. (2) The fee for ID confirms charged to institutions is inappropriate since institutions now receive confirmations through the mail without charge (a comment which does not consider that the institution's confirm charge is in lieu of an affirm charge). The fee would serve as a disincentive to use of ID. The broker should be required to pick up both sides (the institution side and the broker side) of the ID confirm fee. (3) The deposit fee is objectionable. (4) The fee for dividends is objectionable. Dividend-paying timeliness should be improved to make a dividend fee acceptable. (5) The increase in the long position charge is objectionable. Copies of all written comments received in connection with the proposed rule change are attached as exhibit 3 to DTC's filing on form 19b-4A, file No. SR-DTC-78-6.

Participants, pledgees, and depository facilities were notified of the new fee schedule in item 1 by the DTC memorandum dated March 16, 1978, attached as exhibit 4 to DTC's filing on form 19b-4A, file No. SR-DTC-78-6.

DTC perceives no burden on competition by reason of the proposed rule change.

On or before May 24, 1978, or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 10, 1978.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
 Secretary.

APRIL 11, 1978.

[FR Doc. 78-10529 Filed 4-18-78; 8:45 am]

NOTICES

## [8010-01]

[Release No. 34-14654; File No. SR-DTC-78-4]

## DEPOSITORY TRUST CO.

## Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 3, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

## STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change involves implementation of a third party delivery service in the interface between The Depository Trust Co. (DTC) and Pacific Securities Depository Trust Co. (PSDTC). The proposed rule change is attached as exhibit 2 to DTC's filing on form 19b-4A, file No. SR-DTC-78-4.

## STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to implement a third party delivery service in the interface between DTC and PSDTC. This third party delivery service permits any participant in one depository to deliver securities to, or receive securities from, any participant in the other depository "free" (without accompanying money settlement). Previously, only a participant in both depositories could use the interface and then only to move positions between its accounts in DTC and PSDTC. The third party delivery service between DTC and PSDTC is substantially similar to, and involves the same DTC fee as, the third party delivery service between DTC and Midwest Securities Trust Co., which is the subject of amendment No. 1 to DTC's filing on form 19b-4A, file No. SR-DTC-76-8.

The proposed rule change would carry out the purposes of section 17A of the Securities Exchange Act of 1934 by facilitating the prompt and accurate clearance and settlement of securities transactions for which DTC is responsible in that the proposed rule change eliminates the need for dual participants in DTC and PSDTC to initiate multiple book-entry deliver orders with attendant charges to effect inter-depository movements and the proposed rule change enables sole participants of one depository to effect book-entry deliveries to sole participants of the other depository, which would otherwise necessitate

physical deliveries by intercity securities drafts.

As DTC announced in its newsletter of September/October 1976, to accommodate the needs of participants expansion of the interface between DTC and PSDTC has been planned in stages to achieve a full interface capability, including a third party delivery service. All participants have been notified of the proposed rule change by the DTC important notice attached as exhibit 2 to DTC's filing on form 19b-4A, file No. SR-DTC-78-4.

DTC perceives no burden on competition by reason of the proposed rule change.

On or before May 24, 1978, or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 10, 1978.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

APRIL 11, 1978.

[FR Doc. 78-10530 Filed 4-18-78; 8:45 am]

## [8010-01]

## DEPOSITORY TRUST CO.

[Release No. 34-14656; File No. SR-DTC-78-5]

## Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice

is hereby given that on April 5, 1978, by above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change and Amendment No. 1 thereto as follows:

## STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change modifies the administration of DTC's options service to enable segregation of securities by book entry with the European Options Clearing Corp. ("EOCC"). Participant Operating Procedures are attached as Exhibit 2 to DTC's filing on Form 19b-4A, File No. SR-DTC-78-5, as amended.

## STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to enable Participants to segregate securities by book entry to European Options Clearing Corp. ("EOCC"), which is to become a Pledgee in the DTC system, to satisfy EOCC requirements.

The proposed rule change carries out the purposes of section 17A of the Securities Exchange Act of 1934 by enabling securities to be segregated by book entry in connection with EOCC requirements without physical movement of the securities.

Comments were not and are not to be solicited from Participants. All Participants have been notified of the proposed rule change by DTC Important Notice, copies of which are attached (Exhibits 3 and 4).

DTC perceives no burden on competition by reason of the proposed rule change.

On or before May 28, 1978, or within such longer period: (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for

inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 10, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
*Secretary.*

APRIL 12, 1978.

[FR Doc. 78-10531 Filed 4-18-78; 8:45 am]

[8010-01]

[File No. 81-399]

LEHIGH PORTLAND CEMENT CO.

Application and Opportunity for Hearing

APRIL 12, 1978.

Notice is hereby given that Lehigh Portland Cement Co. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the 1934 Act"), for an order granting Applicant an exemption from the provisions of section 13 and 15(d) of the 1934 Act.

The Applicant states, in part:

1. On December 14, 1977, Applicant merged with Heidelberg Cement of Pennsylvania, Inc., a wholly-owned subsidiary of Heidelberg Cement, Inc. ("Heidelberg") and became a wholly-owned subsidiary of Heidelberg.

The Applicant has filed its Form 10-Q for the period ended September 30, 1977.

Applicant argues that the granting of the exemption would not be inconsistent with the public interest or the protection of investors.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C., 20549.

Notice is further given that any interested person not later than May 8, 1978, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc. 78-10523 Filed 4-18-78; 8:45 am]

[8010-01]

[File No. 81-338]

MERCANTILE INDUSTRIES, INC.

Application and Opportunity for Hearing

APRIL 12, 1978.

Notice is hereby given that Mercantile Industries, Inc. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), seeking an exemption from the requirement to file reports pursuant to sections 13 and 15(d) of the 1934 Act.

The Applicant states, in part:

1. The Applicant was a publicly-held company with a class of securities registered pursuant to section 12(b) of the 1934 Act, and was thus subject to the reporting provisions of section 13 of the 1934 Act.

2. On February 28, 1978, the Applicant was merged with a wholly-owned subsidiary of Bowater Holdings Inc., pursuant to an agreement and Plan of Merger dated December 5, 1977.

3. As a result of the merger, all the issued and outstanding shares of common stock of the Applicant are now owned by Bowater Holdings Inc.

4. After termination of its section 12(b) registration on March 15, 1978, Applicant became subject to the reporting provisions of section 15(d) of the 1934 Act.

In the absence of an exemption, Applicant will be required to file certain periodic reports with the Commission for periods ending in 1978.

The Applicant contends that no useful purpose would be served in filing the periodic reports because Bowater Holdings Inc., now owns all of the Applicant's common stock, and its common stock is no longer publicly traded.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the Office of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than May 8, 1978, may submit to the Commission in writing his views on any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the

nature of the interest of the person submitting such information or requesting the hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc. 78-10524 Filed 4-18-78; 8:45 am]

[8010-01]

[Release No. 20497; 70-6137]

NATIONAL FUEL GAS CO. ET AL.

Proposed Issuance and Sale of Short-Term Notes to Banks by Holding Company and Related Short-Term Notes to Holding Company by Subsidiaries

APRIL 11, 1978.

Notice is hereby given that National Fuel Gas Co. ("National"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and two of its wholly-owned subsidiary companies, National Fuel Gas Distribution Corp. ("Distribution Corp."), 10 Lafayette Square, Buffalo, N.Y. 14203, and National Fuel Gas Supply Corp. ("Supply Corp."), 308 Seneca Street, Oil City, Pa. 16301, have filed with this Commission amendments to the application-declaration in this proceeding pursuant to sections 6(a), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended application-declaration for a complete statement of the proposed transaction.

National, among other things, proposes to issue and sell from time to time through December 29, 1978, up to \$22,000,000 aggregate principal amount at any one time outstanding of its short-term unsecured notes to the Chase Manhattan Bank, N.A. ("Chase") and to loan the proceeds therefrom to Distribution Corp. Notice of the proposed transactions was given by this Commission on March 30, 1978 (HCAR No. 20475). The application-declaration has been amended by the companies as follows: Said proposed borrowings are subject to the condition that (1) the total borrowings by National for Distribution Corp. pursuant to the authorization sought in this

proceeding together with (2) the funds loaned by Supply Corp. to Distribution Corp. pursuant to HCAR No. 20440 (March 9, 1978), together with (3) the total borrowings by National for Distribution Corp. pursuant to HCAR No. 20384 (January 13, 1978), will not at any one time exceed \$42,000,000.

Notice is further given that any interested person may, not later than May 8, 1978, request in writing that a hearing be held on such application-declaration as now amended, 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 amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices 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. 78-10522 Filed 4-18-78; 8:45 am]

#### [8010-01]

[Release No. 14652; SR-NYSE-78-6]

#### NEW YORK STOCK EXCHANGE, INC.

#### Order Approving Proposed Rule Change

APRIL 11, 1978.

On February 13, 1978, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, N.Y. 10005, filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change to require a physical access annual member or a lessee of a seat, in addition to other capital requirements, to demonstrate financial responsibility

in the amount of \$25,000 reserved for payment of obligations owed to the NYSE or to other NYSE members.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14504, February 2, 1978) and by publication in the FEDERAL REGISTER (43 FR 9399, March 7, 1978). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of section 6, and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-10526 Filed 4-18-78; 8:45 am]

#### [8010-01]

[Release No. 34-14657; File No. SR-NYSE-78-16]

#### NEW YORK STOCK EXCHANGE, INC.

#### Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 5, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

#### TEXT OF PROPOSED RULE CHANGE

The proposed rule change would amend the first paragraph of Article II of the New York Stock Exchange Constitution to read as follows:

The government of the Exchange shall be vested in a Board of Directors, each member of which shall be a citizen of the United States, and which shall be composed as hereinafter set forth.<sup>1</sup>

<sup>1</sup>Brackets indicate a deletion.

#### STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

#### PURPOSE OF PROPOSED RULE CHANGE

The proposed rule change rescinds the requirement that all members of the Board of Directors be citizens of the United States.

#### BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the "1934 Act") generally and Section 6(b)(1) specifically to the extent that the contributions of non-citizen directors may be seen to further the ability of the Exchange to carry out the purposes of the 1934 Act. In addition, the proposed rule change is consistent with the 1934 Act in that it will permit non-citizen members to become eligible for election as directors.

#### COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

No comments were solicited or received with respect to the proposed rule change.

#### BURDEN ON COMPETITION

There will be no burden on competition.

On or before May 24, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 16, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

APRIL 12, 1978.

[FR Doc. 78-10532 Filed 4-18-78; 8:45 am]

[8010-01]

[Release No. 14651]

**SPOKANE STOCK EXCHANGE, INC.**

**Order Granting Exemption**

APRIL 11, 1978.

The Spokane Stock Exchange, Inc. ("Spokane") has requested that the Commission grant it an exemption from the reporting requirements of 17 CFR 240.17a-15 (Rule 17a-15 under the Securities Exchange Act of 1934, the "Act"). Notice of the exemption request was given by publication of a Commission release<sup>1</sup> and by publication in the FEDERAL REGISTER.<sup>2</sup> No comments regarding the exemption request have been received.

<sup>1</sup>Securities Exchange Act Release No. 10135 (May 4, 1973).

<sup>2</sup>38 FR 12263.

Having considered Spokane's aggregate trading volume in securities which are subject to the reporting requirements of the Rule ("reported securities") and the costs to the Spokane of compliance with the Rule, the Commission has determined that it is not necessary in the public interest or for the protection of investors that the Spokane be subject to the reporting requirements of the Rule. Accordingly, the Commission has determined to grant Spokane an exemption from the reporting requirements of Rule 17a-15, pursuant to paragraph (h) thereof, conditioned upon Spokane submitting to the Commission and to the processor of the consolidated transaction reporting system contemplated by the Rule ("consolidated system") quarterly reports, no later than 30 days after each calendar quarter, consisting of aggregate share and dollar volume, number of block trades and aggregate number of transactions in each reported security traded on the Spokane. The exemption is subject to modification or revocation at any time if the Commission determines that such action is necessary or appropriate in furtherance of the purposes of the Act.

The text of a letter informing Spokane of the Commission's action is set forth below:

Mr. RICHARD FUDGE,  
President, Spokane Stock Exchange, Spokane, Wash.

DEAR MR. FUDGE: The Commission has reviewed the request of the Spokane Stock Exchange, Inc. (the "Spokane"), submitted pursuant to paragraph (h) of Rule 17a-15

under the Securities Exchange Act of 1934 (the "Act"), for an exemption from the reporting requirements of the Rule. In the course of its review, the Commission has considered, among other things, Spokane's aggregate trading volume in securities which are subject to the reporting requirements of the Rule ("reported securities") and the cost to the Spokane of compliance with the reporting provisions of the Rule.

The Commission has authorized me to inform you that the Spokane's request for exemption from Rule 17a-15 has been granted, subject to the condition that Spokane submit to the Director of the Division of Market Regulation and the processor of the consolidated transaction reporting system contemplated by the Rule quarterly reports, no later than 30 days after each calendar quarter, consisting of aggregate share and dollar volume, number of block trades and aggregate number of transactions in each reported security traded on the Spokane.

This exemption is subject to modification or revocation at any time if the Commission determines that such action is necessary or appropriate in light of progress made towards a national market system or otherwise in furtherance of the purposes of the Act.

Sincerely,

GEORGE A. FITZSIMMONS,  
Secretary.

*It is therefore ordered,* That Spokane be granted an exemption from the provisions of Rule 17a-15 under the Act, pursuant to paragraph (h) thereof, relieving Spokane of its obligation to file a plan and report last sale reports in accordance with the Rule: *Provided,* That Spokane submits to the Commission and to the processor of the consolidated system quarterly reports, no later than 30 days after each calendar quarter, consisting of aggregate share and dollar volume, number of block trades and aggregate number of transactions in each reported security traded on the Spokane. This exemption is subject to modification or revocation at any time if the Commission determines that such action is necessary or appropriate in light of progress made towards a national market system or otherwise in furtherance of the purposes of the Act.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-10527 Filed 4-18-78; 8:45 am]

[8010-01]

[File No. 500-11]

**UNION PETROCHEMICAL CORP. OF NEVADA,  
INC.**

**Suspension of Trading**

APRIL 11, 1978.

It appearing to the Securities and Exchange Commission that the sum-

mary suspension of trading in the securities of Union Petrochemical Corp. of Nevada, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:45 a.m. (EST) on April 11, 1978 through April 20, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-10521 Filed 4-18-78; 8:45 am]

[8010-01]

[File No. 24D-3489]

**WEENIE MACHINE INTERNATIONAL, INC.**

**Order Temporarily Suspending Exemption,  
Statement of Reasons Therefor and Notice  
of Opportunity for Hearing**

APRIL 5, 1978.

I. Weenie Machine International, Inc. ("Issuer"), a New Mexico corporation, filed with the Denver Regional Office of the Securities and Exchange Commission on December 7, 1977 a notification, offering circular and exhibits relating to a proposed offering of 5,000,000 shares of one-cent par value common stock at \$0.10 per share on a "best efforts 80 percent or none" basis for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The underwriter is to be W. A. Patterson, Inc., a broker-dealer registered with the Commission. The Denver Regional Office mailed a comment letter to the issuer on December 12, 1977 and the issuer has not yet filed any amendments.

II. The Commission has reasonable cause to believe, from information reported to it by the staff, that:

A. The offering circular filed by Weenie Machine International, Inc. contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in light of the circumstances under which they were made, not misleading in the following aspects:

1. The failure to disclose in the Management section of the offering circular the following significant material facts concerning the managerial and financial abilities of management:

(a) Donald Sheets, the president of Weenie Machine International, Inc., filed for bankruptcy on July 15, 1968 in the United States District Court for the District of New Mexico and an

Order denying his discharge was entered on June 18, 1967 based on a finding that Mr. Sheets had violated several provisions of the financing agreement which he had executed with one of his creditors, American Bank of Commerce, of Albuquerque.

(b) Donald Sheets had several judgments and unpaid accounts outstanding against him at the time the Notification and Offering Circular were filed.

(c) J. Coulter Kirkpatrick, the vice president of Weenie Machine International, Inc., had several judgments and unpaid accounts outstanding against him as a result of operating the defunct food service corporation, Salmagundi, Inc., of which he was president from 1973 to 1976.

(d) J. Coulter Kirkpatrick had outstanding against him an unsatisfied Federal Tax Lien.

2. (a) The failure to disclose in the Risk Factor Section of the offering circular that the common stock of Weenie Machine International, Inc., owned by Donald Sheets and J. Coulter Kirkpatrick, could be attached by the creditors of Sheets and Kirkpatrick with the result that these creditors could gain a substantial, if not controlling interest in Weenie Machine International, Inc.

(b) The failure to disclose in the Risk Factor Section of the offering circular that no written agreement concerning the supply of its special hotdog product has been entered into.

B. By omitting and misrepresenting certain material facts, Weenie Machines has not complied with the terms and conditions of Regulation A. In addition:

1. A salesman of W. A. Patterson, Inc. has told at least one of his customers that, when he receives the offering circular for Weenie Machine International, Inc., after the effective date of the offering, he should ignore the risk factors in that Section of the offering circular since they are only included because the Commission requires them.

2. A salesman of W. A. Patterson has misrepresented the extent of the business of the company and the minimum number of shares required to be purchased, as represented in the proposed offering circular.

C. The offering, if made, would be in violation of Section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporary suspended.

*It is ordered*, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporary suspended.

*It is further ordered*, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in the order within thirty (30) days after the entry of this order; that within twenty (20) days after the receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purposes of determining whether this order of suspension should be vacated or made permanent, without prejudice; however, to the consideration and presentation of additional matters at the hearing; and that notice of and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc. 78-10528 Filed 4-18-78; 8:45 am]

#### [8025-01]

##### SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1430, Amdt. No. 1]

##### CONNECTICUT

###### Declaration of Disaster Loan Area

The above numbered declaration (see 43 FR 6665) is amended by extending the filing date for physical damage until the close of business on June 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: April 11, 1978.

PATRICIA M. CLOHERTY,  
*Acting Administrator.*

[FR Doc. 78-10586 Filed 4-18-78; 8:45 am]

#### [8025-01]

[Declaration of Disaster Loan Area No. 1437; Amdt. No. 1]

##### CONNECTICUT

###### Declaration of Disaster Loan Area

The above numbered declaration (see 43 FR 8604) is amended by extending the filing date for physical damage until the close of business on June 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: April 11, 1978.

PATRICIA M. CLOHERTY,  
*Acting Administrator.*

[FR Doc. 78-10587 Filed 4-18-78; 8:45 am]

#### [8025-01]

[Declaration of Disaster Loan Area No. 1400; Amdt. No. 5]

##### LOUISIANA

###### Declaration of Disaster Loan Area

The above numbered declaration (see 43 FR 60240), amendment No. 1 (see 43 FR 3199), amendment No. 2 (see 43 FR 8604), amendment No. 3 (see 43 FR 12141) and amendment No. 4 (see 43 FR 13651), are amended by adding the following parishes:

###### *Parish, Natural Disaster, and Date*

East Feliciana, drought, May 2, 1977-July 15, 1977; excessive rainfall, July 28, 1977-November 30, 1977

West Feliciana, drought, May 2, 1977-July 15, 1977; excessive rainfall, July 28, 1977-November 30, 1977

Richland, drought, June 15, 1977-September 10, 1977

and adjacent parishes within the State of Louisiana as a result of natural disasters as indicated. All other information remains the same.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: April 11, 1978.

PATRICIA M. CLOHERTY,  
*Acting Administrator.*

[FR Doc. 78-10588 Filed 4-18-78; 8:45 am]

#### [8025-01]

[Declaration of Disaster Loan Area No. 1435; Amdt. No. 2]

##### MASSACHUSETTS

###### Declaration of Disaster Loan Area

The above numbered declaration (See 43 FR 8605) and amendment No. 1 (see 43 FR 10455), are amended by extending the filing date for physical damage until the close of business on May 15, 1978, and for economic injury until the close of business on December 11, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: April 11, 1978.

PATRICIA M. CLOHERTY,  
*Acting Administrator.*

[FR Doc. 78-10589 Filed 4-18-78; 8:45 am]

## [8025-01]

[Declaration of Disaster Loan Area No. 1453; Amdt. No. 1]

## NEBRASKA

## Declaration of Disaster Loan Area

The above numbered declaration (see 43 FR 14368) is amended in accordance with the President's declaration of March 24, 1978, to include Buffalo, Cuming, Custer, Merrick, Nance, Sherman, Valley, and Washington Counties in the State of Nebraska. The Small Business Administration will accept applications for disaster relief loans from disaster victims in the above-named counties, and adjacent counties within the State. The termination date for filing applications for physical damage is extended to the close of business on June 5, 1978, and for economic injury the close of business on January 5, 1979.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: April 11, 1978.

PATRICIA M. CLOHERTY,  
Acting Administrator.

[FR Doc. 78-10590 Filed 4-18-78; 8:45 am]

## [8025-01]

[Proposed License No. 01/01-0290]

## NEW ENGLAND CAPITAL RESOURCES CORP.

## Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1977)) under the name of New England Capital Resources Corp. (applicant), for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (Act), and the rules and regulations promulgated thereunder.

The applicant was incorporated under the laws of the Commonwealth of Massachusetts on January 11, 1978, and it will commence operation with a capitalization of \$500,000, which amount has been raised by the purchase of all of the applicants' initially issued shares of common stock, no par value, by Mr. John M. Geonoulis of 789 New Norwalk Road, New Canaan, Conn. Mr. Geonoulis will be treasurer and director of the applicant; the other officers and directors will be:

Harrison H. Mosher, 24 Birdsong Place, Riverside, Conn., president and director.  
George C. Day, 118 West Newton Street, Boston, Mass., clerk.

The applicant will have its principal place of business at 50 Washington

Street, South Norwalk, Conn., and initially it intends to conduct operations in New England, particularly in Connecticut and Massachusetts.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the applicant under their management, including adequate profitability and financial soundness in accordance with the Act on SBA regulations.

Notice is hereby given that any person may, within 15 days after the date of publication of this notice, submit written comments on the applicant to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the applicant in a newspaper of general circulation in South Norwalk, Conn.

(Catalog of Federal Domestic Program No. 59.011, Small Business Investment Companies.)

Dated: April 5, 1978.

PETER F. MCNEISH,  
Deputy Associate  
Administrator for Investment.

[FR Doc. 78-10585 Filed 4-18-78; 8:45 am]

## [8025-01]

[Declaration of Disaster Loan Area No. 1444; Amendment No. 1]

## NEW HAMPSHIRE

## Declaration of Disaster Loan Area

The above numbered Declaration (See 43 F.R. 9401), is amended by extending the filing date for physical damage until the close of business on June 15, 1978, and economic injury until the close of business on December 15, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: April 11, 1978.

PATRICIA M. CLOHERTY,  
Acting Administrator.

[FR Doc. 78-10591 Filed 4-18-78; 8:45 am]

## [8025-01]

[Declaration of Disaster Loan Area No. 1378; Amendment No. 5]

## TENNESSEE

## Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 54897), Amendment No. 1 (see 42 FR 64753), Amendment No. 2 (see 43 FR 3784), Amendment No. 3 (see 43 FR 4892) and Amendment No. 4 (see 43 FR 10455), are amended by

adding Benton County and adjacent counties within the State of Tennessee, due to drought which occurred on May 1, 1977, through July 31, 1977, and extending the date for physical damage for Benton County and adjacent counties and Hardin County and adjacent counties until the close of business on June 30, 1978, and for economic injury until the close of business on September 29, 1978. All other information remains the same.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: April 11, 1978.

PATRICIA M. CLOHERTY,  
Acting Administrator.

[FR Doc. 78-10592 Filed 4-18-78; 8:45 am]

## [8025-01]

[Declaration of Disaster Loan Area No. 1457]

## TEXAS

## Declaration of Disaster Loan Area

The following 96 counties and adjacent counties within the State of Texas constitute a disaster area as a result of natural disasters as indicated:

County	Natural disaster(s)	Date(s)
Anderson.....	Drought.....	Apr. 15, 1977 to Nov. 28, 1977.
Atascosa.....	.....do.....	June 23, 1977 to Oct. 31, 1977 with drought still continuing.
Bastrop.....	.....do.....	July 1, 1977 to Nov. 30, 1977.
Baylor.....	.....do.....	June 1, 1977 to Dec. 5, 1977 and continuing.
Bell.....	.....do.....	May 16, 1977 to Oct. 17, 1977.
Bosque.....	.....do.....	May 15, 1977 to Sept. 8, 1977.
Bowie.....	Extreme cold.	Jan. 1, 1977 to Feb. 22, 1977.
Do.....	Drought.....	Apr. 1, 1977 to Nov. 14, 1977.
Do.....	Early frost.	Oct. 12, 1977 to Oct. 13, 1977.
Do.....	Excessive sleet and ice.	Jan. 11, 1977 to Jan. 13, 1977.
Brazos.....	Drought.....	May 1, 1977 to Oct. 25, 1977.
Briseoe.....	.....do.....	June 1, 1977 to Aug. 30, 1977.
Do.....	Hail.....	June 13, 1977 and Aug. 23, 1977.
Brown.....	Drought.....	May 1, 1977 to Oct. 28, 1977.
Burleson.....	.....do.....	May 15, 1977 to Sept. 7, 1977.
Burnet.....	.....do.....	June 1, 1977 to Nov. 1, 1977.
Caldwell.....	Excessive rain.	Oct. 1, 1977 to Apr. 30, 1977.
Do.....	Drought.....	May 1, 1977 to Dec. 8, 1977.
Callahan.....	.....do.....	May 1, 1977 to Nov. 9, 1977.
Carson.....	Hail, high wind, excessive rainfall and tornadoes.	May 5, 1977 and June 20, 1977.
Castro.....	Drought.....	Oct. 1, 1976 to July 31, 1977.

NOTICES

County	Natural disaster(s)	Date(s)
Castro	Hall	Apr. 29, 1977, May 19, 1977, May 26, 1977, July 21, 1977, Aug. 9, 1977, Aug. 23, 1977, Sept. 12, 1977.
Do	High Winds.	
Childress	Drought	June 1, 1977 to Jan. 18, 1978.
Clay	do	July 15, 1977 to Feb. 24, 1978.
Coleman	do	Jan. 1, 1977 to Dec. 1, 1977.
Collin	do	Apr. 30, 1977 to Dec. 31, 1977.
Collingsworth	Tornado	May 16, 1977.
Do	Hall	July 31, 1977, Sept. 20, 1977 and Sept. 28, 1977.
Comanche	Drought	May 1, 1977 to Oct. 28, 1977.
Coryell	do	July 1, 1977 to Oct. 17, 1977.
Cottle	do	July 15, 1977 to Jan. 12, 1978.
Crosby	Hall	May 11, 1977, May 19, May 26, June 13, June 30 and Sept. 16, 1977.
Dallam	Drought	Nov. 1, 1976, to Aug. 15, 1977.
Dallas	do	June 1, 1977 to Jan. 20, 1978.
Deaf Smith	do	Nov. 1, 1976 to Feb. 2, 1978.
Do	High Winds.	Feb. 10, 1977, Feb. 22, 1977, Feb. 24, 1977.
Do	do	Mar. 2, 1977, Mar. 10, 1977, Mar. 11, 1978.
Do	do	Mar. 17, Mar. 24, Mar. 28, Apr. 1, 1977.
Do	do	Apr. 10, 1977.
Do	Hall	June 23, 1977.
Do	Spider mite damage due to dry weather.	August and September 1977.
Denton	Drought	Apr. 26, 1977 to Feb. 7, 1978.
Dimmit	do	Jan. 1, 1977-Sept. 27, 1977.
Donley	Hall and high winds.	June 24, 1977, Sept. 23, 1977 and Sept. 29, 1977.
Do	Excessive rainfall.	May 25, 1977 and May 31, 1977.
Eastland	Drought	May 1, 1977 to Oct. 21, 1977.
Ellis	do	May 1, 1977 to Sept. 12, 1977.
Erath	do	May 15, 1977 to Oct. 28, 1977.
Falls	do	Apr. 15, 1977 to Oct. 6, 1977.
Fayette	do	Apr. 20, 1977 to Oct. 25, 1977.
Floyd	Hall	May 22, 1977.
Freestone	Drought	July 15, 1977 to Oct. 18, 1977.
Gray	Windstorms	Jan. 5, 1977 to Mar. 30, 1977.
Do	Drought	Mar. 1, 1977 to Apr. 14, 1977.
Do	Excessive rain.	Apr. 15, 1977 to June 13, 1977.
Do	Hallstorms.	May 16-18, 20, 21, 24, and June 13, 1977.
Do	Tornado	May 17, 1977.
Grimes	Drought	June 1, 1977 to Oct. 1, 1977.
Guadalupe	Excessive rain.	Oct. 1, 1976 to Apr. 30, 1977.
Do	Drought	June 1, 1977 to Oct. 25, 1977.
Hale	Hall	Apr. 20, 1977, May 8, 1977 and Aug. 23, 1977.
Do	Hall and heavy rain.	May 19, 1977 to May 20, 1977.
Do	Hot dry winds.	June 15, 1977 to July 31, 1977.

County	Natural disaster(s)	Date(s)
Hall	Drought	July 15, 1977 to Dec. 15, 1977.
Do	Hallstorm	June 25, 1977, June 28, 1977 and Oct. 21, 22, 1977.
Hamilton	Excessive Rain.	unusually wet April 1977.
Do	Drought	Apr. 1, 1977-Oct. 19, 1977.
Hays	do	June 15, 1977-Dec. 20, 1977.
Henderson	do	May 1, 1977-Dec. 31, 1977.
Hill	do	Apr. 15, 1977-July 14, 1977.
Hood	do	May 15, 1977-Oct. 31, 1977.
Houston	do	May 1, 1977-Oct. 21, 1977.
Hunt	do	Apr. 1, 1977-Sept. 30, 1977.
Jack	do	July 1, 1977-Jan. 26, 1978.
Johnson	do	May 1, 1977-Oct. 25, 1977.
Kaufman	do	Apr. 22, 1977-Sept. 30, 1977.
King	do	July 1, 1977-Jan. 12, 1978.
Knock	do	July 1, 1977-Feb. 27, 1978.
Lamar	Drought & Insects.	Apr. 15, 1977-Nov. 22, 1977.
Lamb	Drought	Oct. 1, 1976-July 31, 1977.
Do	Hall	Apr. 29, May 19-26, July 21, Aug. 9, & Aug. 23, 1977.
Do	Wind	Sept. 12, 1977.
Do	Severe Heat.	July & August 1977.
Lampasas	Drought	May 1, 1977-Oct. 7, 1977.
Lee	do	Beginning in the Spring of 1977-Dec. 31, 1977.
	Rainfall	May 1, 1977-Aug. 31, 1977.
Leon	Drought	May 1, 1977-Sept. 2, 1977.
Limestone	do	May 1, 1977-Sept. 12, 1977.
Madison	do	May 12, 1977-Oct. 12, 1977.
McCulloch	do	May 1, 1977-Nov. 2, 1977.
McLennan	do	Apr. 15, 1977-Sept. 16, 1977.
Menard	do	June 24, 1977-Oct. 25, 1977.
Do	Hallstorm	Oct. 22, 1977.
Milam	Drought	May 8, 1977-Oct. 18, 1977.
Mills	do	May 1, 1977-Oct. 14, 1977.
Montague	do	May 1, 1977-Feb. 15, 1978.
Morris	Sleet and ice storm.	Jan. 11, 1978-Jan. 14, 1978.
Motley	Severe winds, rain, flooding and hailstorms.	June 12, 1977-June 30, 1977.
Do	Drought	July 1, 1977-Feb. 15, 1978.
Nacogdoches	do	Apr. 1, 1977-Aug. 20, 1977.
Navarro	do	Apr. 15, 1977-Sept. 1, 1977.
Oldham	do	Nov. 1, 1976-Feb. 2, 1978.
Do	High Winds.	Feb. 22, 1977-Feb. 24, 1977, Mar. 2, 1977.
Do	do	Mar. 10, Mar. 11, Mar. 17, Mar. 24, and Apr. 1, 1977.
Do	do	June 28, June 29, July 21, Aug. 18 & Aug. 19, 1977.
Do	Hall	?
Palo Pinto	Drought	Apr. 1, 1977-Dec. 19, 1977.
Parker	do	Apr. 1, 1977-Oct. 28, 1977.

County	Natural disaster(s)	Date(s)
Parmer	do	June 1, 1977-Sept. 22, 1977.
Do	Hall	June 20, 1977.
Robertson	Drought	May 1, 1977-Oct. 20, 1977.
Rockwall	do	Apr. 1, 1977 to Dec. 1, 1977.
Runnels	do	Jan. 1, 1977 to Jan. 20, 1978.
San Saba	do	June 1, 1977 to Nov. 29, 1977.
Shackelford	do	Apr. 1, 1977 to Nov. 23, 1977.
Somervell	do	June 1, 1977 to Oct. 17, 1977.
Stephens	do	May 1, 1977 to Nov. 4, 1977.
Stonewall	do	July 1, 1977 to Dec. 12, 1977.
Swisher	Hallstorm	June 1, 1977 to Aug. 23, 1977.
Do	Excessive rain.	May 20, 1977
Do	Drought	July 1, 1977 to Nov. 18, 1977.
Tarrant	do	Apr. 15, 1977 to Oct. 11, 1977.
Throckmorton	do	June 1, 1977 to Jan. 3, 1978.
Travis	do	May 15, 1977 to Feb. 1, 1978.
Upshur	Ice storm, sleet, snow.	Jan. 11, 1978 to Jan. 12, 1978.
Walker	Drought	May 1, 1977 to Sept. 15, 1977.
Waller	do	June 15, 1977 to Oct. 15, 1977.
Wilbarger	do	June 1, 1977 to Jan. 3, 1978.
Williamson	do	May 17, 1977 to Oct. 18, 1977.
Wise	do	May 1, 1977 to Oct. 21, 1977.
Wood	Sleet and snow, rain.	Jan. 11, 1978 to Jan. 12, 1978.

Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on October 11, 1978, and for economic injury until the close of business on December 11, 1978, at:

Small Business Administration, District Office, 1100 Commerce Street, Dallas, Texas 75242

Small Business Administration District Office, One Allen Center, Suite 705-500 Dallas, Houston, Texas 77002

Small Business Administration, District Office, 712 Federal Office Bldg. and US Courthouse, Lubbock, Texas 79401

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: April 11, 1978.

PATRICIA M. CLOHERTY,  
Acting Administrator.

[FR Doc. 78-10593 Filed 4-18-78; 8:45 am]

[4910-06]

**DEPARTMENT OF TRANSPORTATION**

Federal Railroad Administration

[FRA Waiver Petition No. HS-78-3]

**LAMOILLE VALLEY RAILROAD CO.**

Notice of Petition for Exemption From the Hours of Service Act

The Lamoille Valley Railroad has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, as amended, 45 U.S.C. 61-64(b).

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-78-3, Room 5101, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before May 19, 1978, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

ROBERT H. WRIGHT,  
Acting Chairman,  
Railroad Safety Board.

[FR Doc. 78-10467 Filed 4-18-78; 8:45 am]

[4910-06]

[FRA Waiver Petition No. HS-78-2]

**LOUISIANA SOUTHERN RAILWAY CO.**

Notice of Petition for Exemption From the Hours of Service Act

The Louisiana Southern Railway has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, as amended, 45 U.S.C. 61-64(b).

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-78-2, Room 5101, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before May 12, 1978, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building,

ing, 400 Seventh Street SW., Washington, D.C. 20590.

ROBERT H. WRIGHT,  
Acting Chairman,  
Railroad Safety Board.

[FR Doc. 78-10466 Filed 4-18-78; 8:45 am]

[4910-61]

Saint Lawrence Seaway Development Corporation

**ADVISORY BOARD**

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463); (5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 10 a.m., May 8, 1978, in the Executive Training Center, second floor, 800 Independence Avenue SW., Washington, D.C. The agenda for this meeting is as follows: Opening remarks; approval of minutes; Administrator's report; program review; closing remarks.

Attendance is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than May 4, 1978, and information may be obtained from Robert D. Kraft, Deputy General Counsel, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue SW., Washington, D.C. 20591, 202-426-3574.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued in Washington, D.C., on April 14, 1978.

D. W. OBERLIN,  
Administrator.

[FR Doc. 78-10552 Filed 4-18-78; 8:45 am]

[4810-22]

**DEPARTMENT OF THE TREASURY**

Customs Service

**DESIGNATION OF CUSTOMS IMMEDIATE DELIVERY APPLICATION AS A SALABLE FORM**

APRIL 13, 1978.

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

ACTION: Notice of salable Customs form.

SUMMARY: This notice informs the public that Customs Form 3461 Alt., the Immediate Delivery Application, will be sold at \$4.05 per 100 form sets. This form, which normally is used by private commercial concerns in com-

pleting Customs transactions, has been distributed free of charge. However, Customs has determined that in accordance with the User Charges Statute, it must now recover the costs of printing and distribution of this form.

EFFECTIVE DATE: May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Bernard J. Simpson, Management Analysis Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, 202-566-8131.

SUPPLEMENTARY INFORMATION:

**BACKGROUND**

Under section 448(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1448(b)), the Secretary of the Treasury is authorized to provide by regulations for the issuance of special permits for the immediate delivery of perishable and other articles before formal entry of the articles with Customs. In accordance with this statute, Part 142 of the Customs Regulations (19 CFR Part 142) provides procedures for the immediate delivery of imported merchandise prior to entry. These procedures require that an application and special permit for immediate delivery shall be on Customs Form 3461. Because of increased use of automated immediate delivery control systems, Customs in 1973, revised its procedures so that importers could use a computer card set rather than the Customs Form 3461 which is used in manual systems. As part of its revised procedures, Customs designed a card set revision of the Application and Special Permit For Immediate Delivery, Customs Form 3461, and designated the card set as Customs Form 3461 Alt. This form has been distributed free of charge to private commercial concerns for use in completing immediate delivery procedures.

However, the Independent Offices Appropriation Act, 1952, 65 Stat. 290 (31 U.S.C. 483(a)), the so-called "User Charges Statute", provides, in part, that any service provided by any Federal agency to or for any person shall be self-sustaining to the fullest extent possible. This statute authorizes the head of each Federal agency to prescribe, for each service, a fee which he determines to be fair and equitable, taking into consideration the direct and indirect costs to the Government, the value to the recipient, the public policy or interest served, and other pertinent facts.

To recover the costs of printing and distribution of forms, the Commissioner of Customs or his delegate is authorized under section 24.14 of the Customs Regulations (19 CFR 24.14) to designate which Customs forms are

for sale to the general public and the price of each form. This authority subsequently was delegated to the Assistant Commissioner, Office of Administration, by Customs Delegation Order No. 51, T.D. 75-253, published in the FEDERAL REGISTER on October 10, 1975 (40 FR 47806).

## ACTION

The Customs Service has determined that Customs Form 3461 Alt. should be designated as a salable form. Effective May 1, 1978, the form will be available from district directors of Customs at \$4.05 per 100 form sets. A small supply of the forms will continue to be available for free distribution to individuals or others, such as tourists, churches, schools, and occasional importers.

Customs Form 3461 Alt., although designed for use in automated control systems, also is adaptable for use in manual systems. Customs Form 3461 was abolished in August 1977. There is now no form to which Customs Form 3461 Alt. is an alternate. Accordingly, it is Customs intention to delete the designation "Alt." in future printings of the form. Deletion of the designation will not change the salable status of the form.

## DRAFTING INFORMATION

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

NANCY C. GARRETT,  
*Acting Assistant Commissioner*  
(Administration).

[FR Doc. 78-10562 Filed 4-18-78; 8:45 am]

[4810-22]

[T.D. 78-113]

## FISH

## Tariff Rate Quota

APRIL 13, 1978.

The tariff-rate quota for the calendar year 1978, on certain fish dutiable under item 110.50, Tariff Schedules of the United States.

In accordance with item 110.50 of part 3, schedule 1, Tariff Schedules of the United States, it has been ascertained that the average aggregate apparent annual consumption in the United States of fish, fresh, chilled or frozen, fillets, steaks, and sticks, of cod, cusk, haddock, hake, pollock, and rosefish, in the three years preceding 1978, calculated in the manner provided for in headnote 1, part 3A, schedule 1, was 260,168,106 pounds.

The quantity of fish that may be imported for consumption during the calendar year 1978 at the reduced rate of duty under item 110.50 is, therefore, 39,025,216 pounds.

G.R. DICKERSON,  
*Acting Commissioner of Customs.*

[FR Doc. 78-10563 Filed 4-18-78; 8:45 am]

[4830-01]

## Internal Revenue Service

[Delegation Order No. 11 (Rev. 9)]

## REGIONAL COMMISSIONERS OF INTERNAL REVENUE, ET AL.

## Delegation of Authority to Reject Offers in Compromise

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: The authority of the Commissioner of Internal Revenue to accept or reject offers in compromise is redelegated as set forth in the text of the delegation order which appears below. Section 3 of the delegation order is being revised to extend to Regional Commissioners, the authorities of the Director, Collection Division; to accept all offers in compromise based on doubt as to collectibility and doubt as to both collectibility and liability if the unpaid tax (including any interest, penalty, additional amount or addition to tax) is \$100,000 or more and; to accept offers in compromise submitted under section 3469 of the Revised Statutes, as amended (31 U.S.C. 194) insofar as claims arising in the administration of the internal revenue laws are concerned. The authorities delegated do not pertain to offers in compromise of liabilities arising under laws related to alcohol, tobacco and firearms taxes. The authorities delegated may not be redelegated.

EFFECTIVE DATE: April 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Lewis I. Baurer, ACTS:C:T, 1111 Constitution Avenue NW., Room 7530, Washington, D.C. 20224, 202-566-6825 (not toll free).

KENNETH E. LUKE,  
*Director, Collection Division.*

## AUTHORITY TO ACCEPT OR REJECT OFFERS IN COMPROMISE

The authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-25 dated June 1, 1953, as amended by Order No. 180 dated November 17, 1953, and Order No. 150-36 dated August 17, 1954, 26 CFR 301.7122-1 and 26 CFR 301.7701-9, and Treasury Department Order No. 150-60 dated June 3, 1964, is hereby delegated as follows:

1. Regional Commissioners of Internal Revenue are delegated authority, under section 7122 of the Internal Revenue Code, to accept offers in compromise of tax, based solely on doubt as to liability, if the unpaid liability (including any interest, penalty, additional amount or addition to tax) is \$100,000 or more. This authority does not pertain to offers in compromise of liabilities arising under laws relating to alcohol, tobacco and firearms taxes. The authority delegated herein may not be redelegated.

2. For the Office of International Operations, the Assistant Commissioner (Compliance) is delegated authority, under section 7122 of the Internal Revenue Code, to accept offers in compromise of tax, based solely on doubt as to liability, if the unpaid liability (including any interest, penalty, additional amount or addition to tax) is \$100,000 or more. This authority does not pertain to offers in compromise of liabilities arising under laws relating to alcohol, tobacco and firearms taxes. The authority delegated herein may not be redelegated.

3. Regional Commissioners and the Director, Collection Division are delegated authority, under section 7122 of the Internal Revenue Code, to accept offers in compromise based on doubt as to collectibility and those based on doubt as to both collectibility and liability if the unpaid liability (including any interest, penalty, additional amount or addition to tax) is \$100,000 or more. In addition, Regional Commissioners and the Director, Collection Division are delegated authority to accept offers in compromise submitted under section 3469 of the Revised Statutes, as amended (31 U.S.C. 194) insofar as claims arising in the administration of the Internal Revenue laws are concerned. The authorities delegated herein do not pertain to offers in compromise of liabilities arising under laws related to alcohol, tobacco and firearms taxes. The authorities delegated herein may not be redelegated.

4. District Directors, Assistant District Directors, the Director of International Operations and the Assistant Director of International Operations are delegated authority, under section 7122 of the Internal Revenue Code, to accept offers in compromise in cases in which the liability sought to be compromised (including any interest, penalty, additional amount or addition to the tax) is less than \$100,000, to accept offers involving specific penalties, and to reject offers in compromise regardless of the amount of the liability sought to be compromised. This authority does not pertain to offers in compromise of liabilities arising under laws relating to alcohol, tobacco and firearms taxes. The authority delegated herein may not be redelegated, except that the authority to reject offers in compromise may be redelegated, but not lower than to Division Chief.

5. Service Center Directors and Assistant Service Center Directors are delegated authority, under section 7122 of the Internal Revenue Code, to accept offers in compromise, limited to penalties based solely on doubt as to liability, if the unpaid liability is less than \$100,000, and to reject offers in compromise, limited to penalties, regardless of the amount of the liability sought to be compromised. This authority does not pertain to offers in compromise of liabilities arising under laws relating to alcohol, tobacco and firearms taxes. This authority may be redelegated, but not lower than to Division Chief.

6. This Order supersedes Delegation Order No. 11 (Rev. 8) issued July 25, 1977.

Date of issue: April 18, 1978.

JEROME KURTZ,  
Commissioner.

APRIL 5, 1978.

[FR Doc. 78-10609 Filed 4-18-78; 8:45 am]

[4810-25]

Office of the Secretary

**SMALL BUSINESS ADVISORY COMMITTEE**

**Renewal**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463), OMB Circular A-63 and Treasury Directive 10-06E, the Secretary has approved continuation of the Treasury Small Business Advisory Committee.

This committee continues to advise the Secretary on a broad range of economic issues of mutual concern to the small business community and the Treasury. It provides the Secretary with valuable insights on numerous economic issues including tax policy, tax administration, capital formation, and governmental regulation. It is in the public interest that Treasury receive the views and recommendations of this committee because of the large and critical role small business plays in the economic environment of the nation.

Committee members are chosen from small businesses of various types and sizes in different sections of the country, from the academic community, and from professional organizations representing small business. The membership is rotated periodically to insure that a wide range of views on current issues and concerns are presented. Nominations for membership should be submitted in writing to Mr. Fred H. Sweet, Special Assistant to the Secretary (Consumer Affairs), Department of the Treasury, Room 4453, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220, telephone 202-566-5487. Comments relating to the work of this committee are invited.

Dated: April 12, 1978.

ROBERT CARSWELL,  
Deputy Secretary.

[FR Doc. 78-10568 Filed 4-18-78; 8:45 am]

[7035-01]

**INTERSTATE COMMERCE  
COMMISSION**

[Notice No. 840]

**Assignment of Hearings**

APRIL 14, 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.

FD 21215 Sub 2, Seaboard Coast Line Railroad Co., et al Investigation of Control and Modification of Traffic Conditions; FD 25309 Sub 1, Louisville & Nashville Railroad Co., et al—Investigation of Control and Modification of Traffic Conditions; FD 28417, Florida East Coast Railway Co. v. Seaboard Coast Line Railroad Co., et al and FD 28480, Southern Railway Company v. Seaboard Coast Line Railroad Company, et al, are now assigned for continued hearing April 17, 1978 in Courtroom 339, Hall of Justice, 6th and Jefferson Streets, Louisville, Ky.; and on May 1, 1978 in Room 300, Federal Building, 80 North Hughey Avenue, Orlando, Fla.

MC 141778 Sub 12, Foodtrain, Inc., now assigned May 4, 1978 at Philadelphia, Pa., will be held in the U.S. Customs Courtroom, Third Floor, U.S. Customs House Building.

MC 117313 Sub 8, Tryon Trucking, Inc., now assigned May 2, 1978 at Philadelphia, Pa., will be held in the U.S. Customs Courtroom, Third Floor, U.S. Customs House Building.

MC 143829, Scales Airport Service, Inc., now assigned May 1, 1978 at Philadelphia, Pa., will be held in the U.S. Customs Courtroom, Third Floor, U.S. Customs House Building.

MC 4405 Sub 560, Dealers Transit, Inc., now assigned May 2, 1978 at Columbus, Ohio, will be held in Room 235, Federal Building, 85 Marconi Boulevard.

MC 73165 Sub 415, Eagle Motor Lines, Inc., now assigned May 3, 1978 at Columbus, Ohio, will be held in Room 235, Federal Building, 85 Marconi Boulevard.

MC 2368 Sub 67, Bralley-Willett Tank Lines, Inc., now assigned May 4, 1978 at Columbus, Ohio, will be held in Room 235, Federal Building, 85 Marconi Boulevard.

MC 133566 Sub 81, Gangloff & Downham Trucking Co., Inc. and MC 134286 Sub 24, Illini Express, Inc., now assigned May 5, 1978 at Columbus, Ohio, will be held in Room 235, Federal Building, 85 Marconi Boulevard.

MC 107012 Sub 242, North American Van Lines, Inc., now assigned May 8, 1978 at Columbus, Ohio, will be held in Room 235, Federal Building, 85 Marconi Boulevard.

MC 143297, Garn Trucking Co., Inc., now assigned May 9, 1978 at Columbus, Ohio, will be held in Room 235, Federal Building, 85 Marconi Boulevard.

MC 128273 Sub 263, Midwestern Distribution, Inc., now assigned May 11, 1978 at Columbus, Ohio, will be held in Room 235, Federal Building, 85 Marconi Boulevard.

H. G. HOMME, JR.,  
Acting Secretary.

[FR Doc. 78-10601 Filed 4-18-78; 8:45 am]

[7035-01]

[Order No. 36860]

**IDAHO INTRASTATE FREIGHT RATES AND  
CHARGES—1978**

By joint petition filed March 1, 1978, petitioners, six common carriers by railroad<sup>1</sup> subject to Part I of the Interstate Commerce Act, operating in intrastate commerce in Idaho, request that this Commission institute an investigation of their Idaho intrastate freight rates and charges, under section 13 of the Act. They seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 343.

Petitioners submitted their opening statement of facts and argument together with their petition.

Petitioners have stated grounds sufficient to warrant instituting an investigation.

*It is ordered:* The petition is granted. An investigation, under section 13 of the Act, is instituted to determine whether the Idaho intrastate rail freight rates and charges in any respect cause unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce and persons or localities in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increases authorized for interstate application by this Commission in Ex Parte No. 343. The investigation shall also determine if any rates or charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law found to exist.

All common carriers by railroad operating in Idaho subject to the jurisdiction of this Commission are made respondents in this proceeding.

All persons who wish to participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before 15 days from the FEDERAL REGISTER publication date of this order. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible.

<sup>1</sup>Union Pacific Railroad Co.; Burlington Northern Inc.; Camas Prairie Railroad Co.; Chicago, Milwaukee, St. Paul & Pacific Railroad Co.; Spokane International Railroad Co.; and Washington, Idaho and Montana Railway.

This Commission desires participation of only those who intend to take an active part in this proceeding.

As soon as practicable after the last day for indicating a desire to participate in this proceeding, this Commission will serve a list of names and addresses of all persons upon whom service of all pleadings must be made. Thereafter, this proceeding will be assigned for oral hearing or handling under modified procedure. In assigning this proceeding, this Commission will take account of the fact that petitioners have already submitted their opening statement of facts and argument.

A copy of this order shall be served upon each of the petitioners and respondents herein. Idaho shall be notified of this proceeding by sending copies of this order by certified mail to the Governor of Idaho and the Idaho Public Utilities Commission. Further notice of this proceeding shall be given to the public by depositing a copy of this order in the Office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Decided April 10, 1978.

By the Commission, Robert J. Brooks, Director, Office of Proceedings.

H. G. HOMME, JR.,  
Acting Secretary.

[FR Doc. 78-10603 Filed 4-18-78; 8:45 am]

[7035-01]

**IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY LETTER NOTICES**

APRIL 5, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission by May 1, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not oper-

ate 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 61825 (Sub-No. E1186), 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. Furniture parts, from 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, then 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, to points in CT, DC, ID, ME, MA, MT, NH, NJ, NY, ND, OR, PA, RI, VT, WA, and WV, and points in CA, CO, DE, IN, IA, KY, MD, MI, MN, NE, NV, OH, SD, UT, VA, WI, and 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 MI, then northwest across Lake MI 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 37, 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. The purpose of this filing is to eliminate the gateway of Smyth County, VA.

No. MC 61825 (Sub-No. E1187), 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, from points in VA, NC, TN, SC, FL, GA, AL, LA, and MS, on and bounded by a line beginning at Carrabelle Beach, FL, and extending 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 junction 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 southwest along U.S. Hwy 11 to junction U.S. Hwy 11W, to junction U.S. Hwy 11, to junction U.S. Hwy 90, to junction LA Hwy 56, to the Gulf of Mexico near Cocodrie, LA, then east along the coast of LA, MS, AL, and FL to the

point of beginning, to points in the States of CT, DE, DC, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, and WV on and north of a line beginning at the Atlantic Ocean and extending west through Chesapeake Bay at Yorktown, VA, near Colonial Parkway, then west along the Colonial Parkway to junction VA Hwy 31, to junction VA Hwy 10, to junction VA Hwy 40, to junction VA Hwy 8, to junction U.S. Hwy 81 to Smyth County, VA, and on and east of a line beginning at Smyth County, VA, at VA Hwy 16, to junction WV Hwy 83, to junction VA Hwy 80, to junction U.S. Hwy 52, to junction WV Hwy 65, to junction U.S. Hwy 119, to junction U.S. Hwy 60, to junction U.S. Hwy 35, to junction OH Hwy 160, to junction OH Hwy 689, to junction OH Hwy 346, to junction U.S. Hwy 50, to junction OH Hwy 13, to junction OH Hwy 93, to junction OH Hwy 60, to junction OH Hwy 58 to Lake Erie near Lorain, OH. The purpose of this filing is to eliminate the gateway of Smyth County, VA.

No. MC 61825 (Sub-No. E1188), 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*, from points in MD, NY, OH, PA, VT, VA, and WV on and bounded by a line beginning at the United States-Canadian 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 United States-Canadian International Boundary line, and then to the point of beginning, to points in FL, GA, and LA, and 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 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 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. The purpose of this filing is to eliminate the gateway of Smyth County, VA.

No. MC 61825 (Sub-No. E1189), 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*, from points in VA except points in Henry County, VA, on the south of a line beginning at the NC-VA State line, and extending along U.S. Hwy 501 to junction VA Hwy 600, to junction VA Hwy 615, to junction VA Hwy 727, to junction U.S. Hwy 460, to junction U.S. Hwy 11, to junction VA Hwy 100, to junction U.S. Hwy 221, to junction VA Hwy 89, to the VA-NC State line, to points in CT, ME, MA, NH, RI, and VT. The purpose of this filing is to eliminate the gateways of: (A) Martinsville, VA, and Elizabeth City, NC, and (B) Smyth County, VA.

No. MC 61825 (Sub-No. E1190), 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, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except commodities in bulk), from points in AZ, AR, CA, CO, ID, IA, KS, LA, MN, MO, MT, NE, NV, NM, ND, OK, OR,

SD, TX, UT, WA, and WY to points in Henry County, VA. The purpose of this filing is to eliminate the gateway of points in Smyth County, VA, and Lynchburg, VA.

No. MC 61825 (Sub-No. E1191), 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 and furniture materials*, except commodities in bulk, from points in VT and NH to points in LA. The purpose of this filing is to eliminate the gateways of points in Smyth County, VA, Lynchburg, VA, and Martinsville, VA.

No. MC 61825 (Sub-No. E1192), 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 and furniture materials*, except commodities in bulk, from those points in TN on and west of a line beginning on the GA-TN State line and extending along U.S. Hwy 27 to junction U.S. Hwy 127, to junction TN Hwy 8, to junction TN Hwy 111, to junction U.S. Hwy 70, to junction TN Hwy 42, to junction TN Hwy 136, to junction TN Hwy 52, to junction TN Hwy 51 to the TN-KY State line, to points in DE, and to those points in PA, NJ, and NY on, east, and south of a line beginning at the MD-PA State line, and extending along U.S. Hwy 1, to junction PA Hwy 10, to junction U.S. Hwy 30 to junction U.S. Hwy 202 to the PA-NJ State line, and extending along U.S. Hwy 202 to the NJ-NY State line, and extending along NY Hwy 17 to junction Interstate Hwy 87, to junction Interstate Hwy 84, to junction U.S. Hwy 9, to junction NY Hwy 23, to junction Interstate Hwy 87, to junction NY Hwy 7 to the NY-VT State line. The purpose of this filing is to eliminate the gateways of points in Smyth County, VA, Lynchburg, VA, and Martinsville, VA.

No. MC 61825 (Sub-No. E1193), 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*, from points in DE to points in AL, GA, FL, KS, LA, MS, and TN, and to those points in KY, IL, and IN on and south of a line beginning at the WV-KY State line and extending along KY Hwy 32 to junction Interstate Hwy 64, to junction U.S. Hwy 460 to the KY-IN State line, and extending along U.S. Hwy 150 to junction U.S. Hwy 50 to the IN-IL State line, and extending along U.S. Hwy 50 to the IL-MO State line, and to those points in MO on, south, and west of a line beginning on the IL-MO State

line and extending along U.S. Hwy 40 to junction MO Hwy 19, to junction MO Hwy 22, to junction U.S. Hwy 63, to junction U.S. Hwy 24, to junction U.S. Hwy 65, to junction MO Hwy 170, to junction MO Hwy 6, to junction MO Hwy 13, to junction U.S. Hwy 136, to junction U.S. Hwy 169 to the MO-IA State line, and to those points in IA on, south, and west of a line beginning on the MO-IA State line and extending along U.S. Hwy 169 to junction IA Hwy 2, to junction IA Hwy 25, to junction U.S. Hwy 34, to junction U.S. Hwy 71, to junction IA Hwy 414, to junction U.S. Hwy 6 to the IA-NE State line. The purpose of this filing is to eliminate the gateway of Martinsville, VA.

No. MC 61825 (Sub-No. E1196), 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. *Furniture parts and furniture materials*, except commodities in bulk, household goods as defined by the Commission, from points in NJ on, east, and south of U.S. Hwy 202 to points in AL, FL, GA, LA, MS, and TN, and to points in KY, IL, and IN on and south of a line beginning on the WV-KY State line, and extending along KY Hwy 32 to junction KY Hwy 469, to junction KY Hwy 172, to junction U.S. Hwy 460, to junction Interstate Hwy 64, to junction U.S. Hwy 62, to junction KY Hwy 86, to junction U.S. Hwy 60, to junction KY Hwy 69 to the KY-IN State line, and extending along IN Hwy 237 to junction IN Hwy 66, to junction IN Hwy 245, to junction U.S. Hwy 460, to junction IN Hwy 68, to junction IN Hwy 61, to junction IN Hwy 64 to the IN-IL State line and extending along IL Hwy 15 to junction U.S. Hwy 51, to junction IL Hwy 154, to junction IL Hwy 150 to the IL-MO State line, and to points in MO on, south, and west of a line beginning at the IL-MO State line and extending along MO Hwy 32 to junction MO Hwy 5, to junction MO Hwy 135, to junction U.S. Hwy 50, to junction MO Hwy 13, to junction MO Hwy 10, to junction U.S. Hwy 69, to junction MO Hwy 92, to junction Interstate Hwy 29, to junction MO Hwy 116 to the MO-KS State line, and to points in KS on, west, and south of a line beginning on the MO-KS State line and extending along U.S. Hwy 73 to junction KS Hwy 20, to junction U.S. Hwy 75 to the KS-NE State line. The purpose of this filing is to eliminate the gateway of Martinsville, VA.

No. MC 61825 (Sub-No. E1197), 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 iron and steel articles* as

are used as construction materials, except commodities in bulk, those of unusual value, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Washington County, PA, on the one hand, and, on the other, points in Beaufort, Berkeley, Charleston, Clarendon, Georgetown, Jasper, and Williamsburg Counties, SC. The purpose of this filing is to eliminate the gateways of Coketown, Brooke County, WV, Clarksburg, WV and Lynchburg, VA.

No. MC 61825 (Sub-No. E1198), 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. *Furniture materials*, from points in NJ north and west of U.S. Hwy 202 to points in AL, FL, GA, LA, MS, and TN, and to those points in KY, IL and MO on and south of a line beginning at the WV-KY State line, and extending along KY Hwy 40 to junction U.S. Hwy 460, to the Mountain Parkway, to junction KY Hwy 11, to junction KY Hwy 52, to junction KY Hwy 34, to junction U.S. Hwy 68, to junction KY Hwy 84, to junction U.S. Hwy 31E, to junction KY Hwy 357, to junction KY Hwy 224, to junction U.S. Hwy 62, to junction KY Hwy 54, to junction U.S. Hwy 231, to the Ohio River, and extending along the Ohio River to junction IL Hwy 13, to junction IL Hwy 149, to junction IL Hwy 3, to junction IL Hwy 150 to the IL-MO State line and extending along MO Hwy 51 to junction MO Hwy 72, to junction MO Hwy 21, to junction MO Hwy 106, to junction MO Hwy 17, to junction MO Hwy 38, to junction U.S. Hwy 66, to junction U.S. Hwy 71, to junction U.S. Hwy 54 to the MO-KS State line; to those points in KS on and south and west of a line beginning on the MO-KS State line, and extending along U.S. Hwy 54 to junction U.S. Hwy 59, to junction KS Hwy 31, to junction U.S. Hwy 75 to the KS-NE State line. The purpose of this filing is to eliminate the gateway of Martinsville, VA.

No. MC 61825 (Sub-No. E1199), 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. *Furniture parts, and furniture materials*, except household goods, as defined by the Commission, commodities in bulk, from points in ME on and north of a line beginning at the NH-ME State line, and extending along U.S. Hwy 2 to junction ME Hwy 26, to junction ME Hwy 219, to junction ME Hwy 133, to junction ME Hwy 41, to junction U.S. Hwy 202, to junction ME Hwy 3-9, to junction ME Hwy 3, to

junction U.S. Hwy 1, to junction ME Hwy 189, to the Atlantic Ocean, to those points in AL on and south of a line beginning on the MS-AL State line, and extending along U.S. Hwy 82 to junction U.S. Hwy 11, to junction Interstate Hwy 20, to junction U.S. Hwy 78, to junction AL Hwy 202, to junction AL Hwy 21, to junction AL Hwy 70 to the AL-GA State line. The purpose of this filing is to eliminate the gateways of points in Smyth County, VA, Lynchburg, VA, and Martinsville, VA.

No. MC 61825 (Sub-No. E1200), 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. *Furniture parts, and furniture materials*, except commodities in bulk, household goods, as defined by the commission, from points in ME to points in LA. The purpose of this filing is to eliminate the gateways of points in Smyth County, VA, Lynchburg, VA and Martinsville, VA.

No. MC 61825 (Sub-No. E1201), 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. *Furniture parts, and furniture materials*, except commodities in bulk, household goods, as defined by the commission, from points in ME on and south of a line beginning at the NJ-ME State line, and extending along ME Hwy 16 to junction ME Hwy 4-16, to junction ME Hwy 142, to junction ME Hwy 16, to junction Alternate U.S. Hwy 201, to junction ME Hwy 16, to junction ME Hwy 6-16, to junction ME Hwy 6-155, to junction U.S. Hwy 2, to junction ME Hwy 6 to the United States-Canada international boundary line, to points in FL on and south of a line beginning at the Gulf of Mexico, and extending along U.S. Hwy 19 to junction Interstate Hwy 75, to junction Interstate Hwy 4, to junction U.S. Hwy 92, to junction U.S. Hwy 17-92, to junction U.S. Hwy 192, to junction U.S. Hwy 192-441, to junction U.S. Hwy 192 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of points in Smyth County, VA, Lynchburg, VA and Martinsville, VA.

No. MC 61825 (Sub-No. E1202), 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. *Furniture parts, and furniture materials*, except commodities in bulk, and household goods, as defined by the commission, from points in ME on and north of a line beginning on the NH-ME State line and extending

along ME Hwy 16 to junction ME Hwy 4-16, to junction ME Hwy 142, to junction ME Hwy 16, to junction Alternate U.S. Hwy 201, to junction ME Hwy 16, to junction ME Hwy 6-16, to junction ME Hwy 6-155, to junction U.S. Hwy 2, to junction ME Hwy 6 to the United States-Canada international boundary line, to points in FL. The purpose of this filing is to eliminate the gateways of points in Smyth County, VA, Lynchburg, VA, and Martinsville, VA.

No. MC 61815 (Sub-No. E1203), 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. *Furniture materials*, from points in IN on and north of a line beginning at the IL-IN State line, and extending along U.S. Hwy 24-52 to junction U.S. Hwy 24, to junction U.S. Hwy 35, to junction IN Hwy 22, to junction IN Hwy 13, to junction IN Hwy 32, to the IN-OH State line, to points in FL on, south and east of a line beginning at the Gulf of Mexico, and extending along U.S. Hwy 19 to junction FL Hwy 60, to junction Interstate Hwy 4, to junction U.S. Hwy 17-92, to junction U.S. Hwy 17 to the FL-GA State line. The purpose of this filing is to eliminate the gateway of Martinsville, VA.

No. MC 61815 (Sub-No. E1204), 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. *Furniture parts, and furniture materials*, except commodities in bulk, household goods as defined by the Commission, from points in NY on, north and east of a line beginning on the CT-NY State line, and extending along NY Hwy 35 to junction U.S. Hwy 202, to junction U.S. Hwy 6, to junction NY Hwy 17, to junction NY Hwy 8, to junction NY Hwy 23, to junction NY Hwy 12, to junction NY Hwy 49, to junction U.S. Hwy 11, to junction NY Hwy 13, to Lake Ontario, to points in LA on and south of a line beginning on the Gulf of Mexico, and extending along LA Hwy 46 to junction LA Hwy 39, to junction U.S. Hwy 90, to junction U.S. Hwy 61, to junction U.S. Hwy 190, to junction U.S. Hwy 71, to junction LA Hwy 112, to junction U.S. Hwy 165, to junction LA Hwy 112, to junction LA Hwy 28, to junction LA Hwy 8 to the LA-TX State line. The purpose of this filing is to eliminate the gateways of points in Smyth County, VA, Lynchburg, VA, and Martinsville, VA.

No. MC 61825 (Sub-No. E1205), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Six-

teenth Street NW., Washington, DC 20036. *Furniture parts, and furniture materials*, except commodities in bulk, household goods, as defined by the Commission, from points in WV bounded by a line beginning at the OH-WV State line, and extending along U.S. Hwy 60 to junction WV Hwy 20, to junction WV Hwy 39, to junction U.S. Hwy 19, to junction WV Hwy 4, to junction WV Hwy 16, to junction U.S. Hwy 33, to junction WV Hwy 14, to junction U.S. Hwy 50, to the Ohio River and extending south along the Ohio River to the point of beginning, to points in FL on and east of a line beginning at the Gulf of Mexico, and extending along FL Hwy 361-A to junction U.S. Alternate Hwy 27, to junction U.S. Hwy 27, to junction U.S. Hwy 221 to the FL-GA State line. The purpose of this filing is to eliminate the gateways of Lynchburg, VA, and Martinsville, VA.

No. MC 61825 (Sub-No. E1206), 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. *Furniture parts and furniture materials*, except commodities in bulk, from points in WV on and north and east of a line beginning at the VA-WV State line, extending along U.S. Hwy 60 to junction WV Hwy 20, to junction WV Hwy 39, to junction Hwy 19, to junction WV Hwy 4, to junction WV Hwy 16, to junction U.S. Hwy 33, to junction WV Hwy 14, to junction U.S. Hwy 50 to the WV-OH State line, to those points in AL and GA on and south of a line beginning at the SC-GA State line, and extending along the Screven-Effingham County line to GA Hwy 24, to junction U.S. Hwy 80, to junction GA Hwy 56, to junction U.S. Hwy 221, to junction GA Hwy 46, to junction GA Hwy 27, to junction GA Hwy 195, to junction GA Hwy 118, to junction GA Hwy 32, to junction U.S. Hwy 82, to junction GA Hwy 266, to junction GA Hwy 37 to the GA-AL State line, and extending along AL Hwy 10 to junction AL Hwy 93, to junction U.S. Hwy 29, to junction U.S. Hwy 231, to junction AL Hwy 87, to junction U.S. Hwy 84, to junction U.S. Hwy 331, to the AL-FL State line, and to points in FL on and east of FL Hwy 85. The purpose of this filing is to eliminate the gateways of Lynchburg, VA, and Martinsville, VA.

No. MC 61825 (Sub-No. E1207), 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. *Furniture parts and furniture materials*, except commodities in bulk, and household goods as defined by the Commission, from points in DC to

points in AL, FL, GA, KS, LA, MS, MO, and TN, and to those points in KY on and south of a line beginning at the WV-KY State line, and extending along KY Hwy 40 to junction U.S. Hwy 460 to the KY-IN State line, and to those points in IN, IL, and IA on, south and west of a line beginning at the KY-IN State line, and extending along U.S. Hwy 150 to junction U.S. Hwy 50, to the IN-IL State line, and extending along U.S. Hwy 50 to junction IL Hwy 127, to junction IL Hwy 127, to junction IL Hwy 140, to junction IL Hwy 4, to junction IL Hwy 16, to junction IL Hwy 1, to junction U.S. Hwy 67, to junction IL Hwy 108, to junction IL Hwy 96, to junction U.S. Hwy 136 to the IL-IA State line, and extending along U.S. Hwy 218 to junction IL Hwy 2, to the Des Moines River, to junction U.S. Hwy 63, to junction IA Hwy 92, to junction U.S. Hwy 169, to junction U.S. Hwy 18, to junction IA Hwy 15 to the IA-MN State line. The purpose of this filing is to eliminate the gateways of Lynchburg, VA, and Martinsville, VA.

No. MC 61825 (Sub-No. E1208), 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, equipment, and supplies* used in the manufacture, packaging, and distribution of new furniture and furniture parts (except commodities in bulk), from points in CT, ME, MA, NH, RI, and VT to points in Henry County, VA. The purpose of this filing is to eliminate the gateway of Elizabeth City, NC.

No. MC 61825 (Sub-No. E1209), 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. *Furniture parts, and materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts, except commodities in bulk, from points in AL, AR, AZ, CA, CO, FL, GA, ID, KS, LA, MS, MT, NV, NM, OK, OR, TN, TX, UT, WA, WY, and from points in WV, KY, IN, IL, and MO on and south of a line beginning at the VA-WV State line, and extending along U.S. Hwy 460 to junction U.S. Hwy 21, to junction WV Hwy 10, to junction WV Hwy 65 to the WV-KY State line, and extending along KY Hwy 40 to junction U.S. Hwy 460, to junction KY Hwy 11, to junction KY Hwy 36, to junction U.S. Hwy 27, to junction KY Hwy 32, to junction U.S. Hwy 25, to junction U.S. Hwy 460, to junction KY Hwy 227, to junction KY Hwy 607, to junction U.S. Hwy 127, to junction KY Hwy 355, to junction KY Hwy 22, to junction KY Hwy 573, to junction KY

Hwy 157 to the Trimble-Oldham County line, extending along the Trimble-Oldham County line to the KY-IN State line, and extending along the Ohio River to the Clark-Jefferson County Line and extending along the Clark-Jefferson County line to IN Hwy 362, to junction IN Hwy 3, to junction IN Hwy 56, to junction IN Hwy 60, to junction

n U.S. Hwy 50 to the IN-IL State line, and extending along U.S. Hwy 50 to the IL-MO State line and extending along U.S. Hwy 40 to junction U.S. Hwy 61, to junction U.S. Hwy 54, to junction MO Hwy 154, to junction MO Hwy 15, to junction MO Hwy 156, to junction U.S. Hwy 63 to junction MO Hwy 6, to junction MO Hwy 13, to junction U.S. Hwy 136, to junction U.S. Hwy 275 to the MO-IA State line, and these points in NE on, south, and west of a line beginning at the NE-IA State line, and extending along NE Hwy 2 to junction NE Hwy 11, to junction U.S. Hwy 20, to junction U.S. Hwy 83 to the NE-SD State line, those points in SD and ND on and west of a line beginning at the NE-SD State line, and extending along U.S. Hwy 83 to junction SD Hwy 10, to junction SD Hwy 45 to the SD-ND State line, and extending along ND Hwy 3 to junction ND Hwy 34, to junction U.S. Hwy 281, to junction ND Hwy 20, to junction ND Hwy 15, to junction U.S. Hwy 81 to the ND-MN State line, and extending north along the ND-MN State line to the United States-Canadian International boundary line; to Newark, NJ, and points in NJ within 15 miles of Newark, NJ. The purpose of this filing is to eliminate the gateways of points in Smyth County, VA, Lynchburg, VA and Baltimore, MD.

No. MC 61825 (Sub-No. E1214), 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. *Furniture parts and furniture materials*, except commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, from points in RI; those points in CT and MA on and east and north of a line beginning on the Atlantic Ocean at New London, CT, and extending along CT Hwy 85 to junction CT Hwy 2, to junction U.S. Hwy 44, to junction CT Hwy 272 to the CT-MA State line, and extending along MA Hwy 272 to junction MA Hwy 57 to junction MA Hwy 23, to the MA-NY State line, to those points in MS on and south of a line beginning at the AR-MS State line, and extending along U.S. Hwy 82 to the MS-AL State line. The purpose of this filing is to eliminate the gateways of points in Smyth County, VA, Lynchburg, VA, and Martinsville, VA.

No. MC 61825 (Sub-No. E1215), 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. *Furniture parts and furniture materials*, except commodities, in bulk, household goods as defined by the Commission, and commodities requiring special equipment, from points in RI, MA, and those points in CT on and east and north of a line beginning on the Atlantic Ocean at New London, CT, and extending along CT Hwy 85 to junction CT Hwy 2, to junction U.S. Hwy 44 to the CT-NY State line; to those points in AL on and south of a line beginning on the NS-AL State line, and extending along U.S. Hwy 80 to junction U.S. Hwy 82-231, to Junction U.S. Hwy 82 to the AL-GA State line. The purpose of this filing is to eliminate the gateways or points in Smyth County, VA, Lynchburg, VA, and Martinsville, VA.

No. MC 61825 (Sub-No. E1216), 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. *Furniture parts and furniture materials*, except commodities in bulk, those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, from points in VT and NH, to points in those in FL on and south and west of a line beginning at the Atlantic Ocean near Daytona Beach, FL, and extending along U.S. Hwy 1 to junction FL Hwy 20-100, to junction FL Hwy 100, to junction U.S. Hwy 441 to the FL-GA State line. The purpose of this filing is to eliminate the gateways of points in Smyth County, VA, Lynchburg, VA, and Martinsville VA.

No. MC 61825 (Sub-No. E1217), 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. *Furniture parts and furniture materials*, except commodities in bulk, those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, from those points in NH and VT on, east, and north of a line beginning at the MA-NH State line and extending along Interstate Hwy 93 to junction NH Hwy 28, to junction Interstate Hwy 193, to junction NH Hwy 114, to junction NH Hwy 103 to the NH-VT State line and extending along VT Hwy 131 to junction VT Hwy 106, to junction VT Hwy 12, to junction VT Hwy 107, to junction VT Hwy 100, to junction VT Hwy 17, to junction VT Hwy 116, to junction U.S. Hwy 2, to the Winooski River, and extending along the Winooski River to Lake Champlain, to the VT-NY State line,

and extending north along the VT-NY State line to the United States-Canadian international boundary line, to those points in AL on and south of a line beginning at the MS-AL State line, and extending along AL Hwy 32 to junction AL Hwy 17, to junction AL Hwy 2, to junction U.S. Hwy 82, to junction U.S. Hwy 11, to junction Interstate Hwy 20, to junction U.S. Hwy 78, to junction AL Hwy 202, to junction AL Hwy 21, junction U.S. Hwy 78 to the AL-GA State line. The purpose of this filing is to eliminate the gateways of points in Smyth County, VA, Lynchburg, VA, and Martinsville, VA.

No. MC 61825 (Sub-No. E1218), 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. *Furniture parts and furniture materials*, except commodities in bulk, household goods as defined by the Commission, those of unusual value, commodities requiring special equipment, from points in VT and NH, to those points in MS on and south of a line beginning at the AR-MS State line, and extending along U.S. Hwy 82 to the MS-AL State line. The purpose of this filing is to eliminate the gateways of points in Smyth County, VA, Lynchburg, VA, and Martinsville, VA.

No. MC 61825 (Sub-No. E1219), 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. *Furniture parts and furniture materials*, except commodities in bulk, those of unusual value, household goods as defined by the Commission, from points in MA and RI and those points in CT on and north and east of a line beginning on the Atlantic Ocean at New London, CT, and extending along CT Hwy 32 to junction U.S. Hwy 6, to junction U.S. Hwy 44 to the NY-CT State line; to those points in FL on and south of a line beginning at the Atlantic Ocean, and extending along FL Hwy 520 to junction FL Hwy 528, to junction U.S. Hwy 17-92-441, to junction U.S. Hwy 17-92, to junction FL Hwy 544, to junction U.S. Hwy 92, to junction Interstate Hwy 4, to junction Interstate Hwy 75, to junction U.S. Hwy 19, to the Gulf of Mexico, and those points in FL on and west of a line beginning on the Gulf of Mexico, and extending along FL Hwy 361 to junction U.S. Hwy 221 to the FL-GA State line. The purpose of this filing is to eliminate the gateways of points in Smyth County, VA, Lynchburg, VA, and Martinsville, VA.

No. MC 61825 (Sub-No. E1220), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's rep-

representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, DC 20036. *Furniture parts*, except commodities in bulk, from points in AL, AR, GA, LA, MS, TN, and VA, on and bounded by a line beginning at Smyth County, VA, then southwest along U.S. Hwy 11 to junction U.S. Hwy 11W, to junction U.S. Hwy 11, to junction U.S. Hwy 90, to junction LA Hwy 56, to the Gulf of Mexico near Cocodrie, LA, then west along the LA shore to the LA-TX State line, then north along the TX-LA State line to the TX-AR State line, then north along the AR-TX State line to the AR-OK State line, to the AR-MO State line, then east along the AR-MO State line to the AR-TN-MO State line, then north along the TN-MO State line to the KY-TN State line, then east along the KY-TN State line to the TN-VA State line, then east along the VA-TN State line to junction U.S. Hwy 11, then northeast along U.S. Hwy 11 to the point of beginning; to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, NC, PA, RI, VT, VA, and those points in WV on and north of a line beginning at the Atlantic Ocean at NC Hwy 50 near Surf City, NC, then northwest along NC Hwy 50 to junction NC Hwy 24, to junction U.S. Hwy 52, to junction U.S. Hwy 70, to junction U.S. Hwy 21, to junction U.S. Hwy 58, to junction VA Hwy 16 to Smyth County, VA, and on and east of a line beginning at Smyth County, VA, and extending northeast along VA Hwy 16 to junction U.S. Hwy 19, to junction WV Hwy 4, to junction U.S. Hwy 33, to junction WV Hwy 92, to junction WV Hwy 26, to junction PA Hwy 281, to junction U.S. Hwy 219, to junction PA Hwy 601, to junction PA Hwy 271, to junction U.S. Hwy 219, to junction PA Hwy 879, to junction PA Hwy 144, to junction U.S. Hwy 6, to junction U.S. Hwy 15, to junction NY Hwy 54, to junction NY Hwy 14, to junction Interstate Hwy 90, to junction NY Hwy 38, to junction NY Hwy 104, to Lake Ontario near Oswego, NY. The purpose of this filing is to eliminate the gateway of points in Smyth County, VA.

No. MC 61825 (Sub-No. E1221), 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 IL, IN, IA, KY, MN, MO, OH, VA, WV, and WI on and bounded by a line beginning at the TN-VA State line, and extending along U.S. Hwy 11 to junction VA Hwy 16, to junction WV Hwy 16, to junction U.S. Hwy 52, to the Ohio River, to junction Interstate Hwy 74, to junction Interstate Hwy 65, to junction U.S. Hwy 12, to junction Interstate Hwy 94, to the ND-MN State line, to

the SD-MN State line, to the SD-IA State line, to the NE-IA State line, to the NE-MO State line, to the KS-MO State line, to the OK-MO State line, to the AR-MO State line, to the TN-MO State line, to the TN-KY State line, to the VA-TN State line, to the point of beginning; to those points in NC, SC, and VA on and south of a line beginning at the Atlantic Ocean, and extending along U.S. Hwy 58 to the Blue Ridge Parkway, to junction VA Hwy 97, to junction VA Hwy 89, to junction U.S. Hwy 221, and those points on and east of a line beginning on the VA-NC State line, and extending along U.S. Hwy 21 to junction U.S. Hwy 521, to junction SC Hwy 341, to junction U.S. Hwy 15, to junction U.S. Hwy 521, junction U.S. Hwy 17, to the Winyah Bay, to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of points in Smyth County, VA.

No. MC 61825 (Sub-No. E1222), 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 MI and 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 Ohio River, to junction Interstate Hwy 74 at Cincinnati, OH, to the OH-IN State line, then 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, to points in FL, GA, NC, SC, TN, and VA on, 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 2, to junction GA Hwy 94, to junction GA 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 19-W, to junction U.S. Hwy 11-E, 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. The purpose of this filing is to eliminate the gateway of points in Smyth County, VA.

No. MC 61825 (Sub-No. E1223), 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 CT, DE, DC, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, and WV on and north of a line beginning at the Atlantic Ocean, and extending west through Chesapeake Bay at Yorktown, VA, near the Colonial Parkway, then west along the Colonial Parkway to junction VA Hwy 31, to junction VA Hwy 10, to junction VA Hwy 40, to junction VA Hwy 8, to U.S. Hwy 81 to Smyth County, VA, and on and east of a line beginning at Smyth County, VA at VA Hwy 16, to junction WV Hwy 83, to junction WV Hwy 80, to junction U.S. Hwy 52, to junction WV Hwy 65, to junction U.S. Hwy 119, to junction U.S. Hwy 60, to junction U.S. Hwy 35, to junction OH Hwy 160, to junction OH Hwy 589, to junction OH Hwy 346, to junction U.S. Hwy 50, to junction OH Hwy 13, to junction OH Hwy 93, to junction OH Hwy 60, to junction OH Hwy 58, to Lake Erie near Lorain, OH, to those points in VA, NC, TN, SC, FL, GA, AL, LA, and MS on and bounded by 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 junction 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 southwest along U.S. Hwy 11 to junction U.S. Hwy 11-W, to junction U.S. Hwy 11, to junction U.S. Hwy 90, to junction LA Hwy 56, to the Gulf of Mexico near Cocodrie, LA, then east along the coast of LA, MS, AL, and FL 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. E1224), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's rep-

representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. *Furniture parts*, except commodities in bulk, from points in NC, SC, and VA on and south of a line beginning at the Atlantic Ocean, and extending along U.S. Hwy 58 to the Blue Ridge Parkway, to junction VA Hwy 97, to junction VA Hwy 89, to junction U.S. Hwy 221, and points on and east of a line beginning at the VA-NC State line and extending along U.S. Hwy 21 to junction U.S. Hwy 521, to junction SC Hwy 341, to junction U.S. Hwy 15, to junction U.S. Hwy 521, to junction U.S. Hwy 17, to the Winyah Bay, to the Atlantic Ocean, to those points in IL, IN, IA, KY, MN, MO, OH, VA, WV, and WI on and bounded by a line beginning at the TN-VA State line and extending along U.S. Hwy 11 to junction VA Hwy 16, to junction WV Hwy 16, to junction U.S. Hwy 52, to the Ohio River, to junction Interstate Hwy 74, to junction Interstate Hwy 65, to junction U.S. Hwy 12, to junction Interstate Hwy 94 to the ND-MN State line, to the SD-MN State line, to the SD-IA State line, to the NE-IA State line, to the NE-MO State line, to the KS-MO State line, to the OK-MO State line, to the AR-MO State line, to the TN-MO State line, to the TN-KY State line, to the VA-TN State line, 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. E1225), 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 CT, DE, DC, ME, MD, MA, NH, NJ, NY, NC, PA, RI, VT, VA, and WV on and north of a line beginning at the Atlantic Ocean, and extending along NC Hwy 50 near Surf City, NC, then northwest along NC Hwy 50 to junction NC Hwy 24, to junction U.S. Hwy 52, to junction U.S. Hwy 70, to junction U.S. Hwy 21, to junction U.S. Hwy 58, to junction VA Hwy 16 to Smyth County, VA, and on and east of a line beginning at Smyth County, VA, and extending northeast along VA Hwy 16 to junction U.S. Hwy 19, to junction WV Hwy 4, to junction U.S. Hwy 33, to junction WV Hwy 92, to junction WV Hwy 26, to junction PA Hwy 281, to junction U.S. Hwy 219, to junction PA Hwy 601, to junction PA Hwy 271, to junction U.S. Hwy 219, to junction PA Hwy 879, to junction PA Hwy 144, to junction U.S. Hwy 6, to junction U.S. Hwy 15, to junction NY Hwy 54, to junction NY Hwy 14, to junction Interstate Hwy 90, to junction NY Hwy 38, to junction NY Hwy 104, to junction Lake Ontario near Oswego, NY, to those points in AL, AR, GA, LA, MS, TN, and VA on and

bounded by a line beginning at Smyth County, VA, then southwest along U.S. Hwy 11 to junction U.S. Hwy 11-W, to junction U.S. Hwy 11, to junction U.S. Hwy 90, to junction LA Hwy 56, to the Gulf of Mexico near Cocodrie, LA, then west along the LA shore to the LA-TX State line, then north along the TX-LA State line to the TX-AR State line, then north along the AR-TX State line to the AR-OK State line, to the AR-MO State line, then east along the AR-MO State line to the AR-TN-MO State line, then north along the TN-MO State line to the KY-TN State line, then east along the KY-TN State line to the TN-VA State line, then east along the VA-TN State line to junction U.S. Hwy 11, then northeast along U.S. Hwy 11 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. E1261), 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*, from points in DE to points in AR, KS, OK, and TX on and south of a line beginning at the AR-TN-MO State line, then along the AR-MO State line to the AR-OK State line, to junction OK Hwy 20, then west along OK Hwy 20 to junction U.S. Hwy 59, to junction U.S. Hwy 60, to junction U.S. Hwy 75 to the OK-KS State line, to junction U.S. Hwy 75, to junction KS Hwy 96, to junction U.S. Hwy 183, to junction U.S. Hwy 24, to junction KS Hwy 27, to junction U.S. Hwy 36 to the KS-CO State line. The purpose of this filing is to eliminate the gateways of Pulaski, VA, and Martinsville, VA.

No. MC 61825 (Sub-No. E1263), 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. *New furniture*, except commodities in bulk, household goods as defined by the Commission, (1) Between points in AZ, CA, CO, ID, MT, NE, NV, NM, ND, OR, SD, UT, WA, and WY, on the one hand, and, on the other, New York, NY. (2) Between New York, NY, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NE, NV, NM, ND, OR, SD, UT, WA, and WY. The purpose of this filing is to eliminate the gateways of Baltimore, MD, Lynchburg, VA, and Smyth County, VA.

No. MC 61825 (Sub-No. E1264), 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. *New furniture*, from points in

IL and IN on and bounded by a line beginning at the OH-IN State line, and extending west along Interstate Hwy 74 to junction IN Hwy 244, to junction IN Hwy 9, to junction IN Hwy 28, to junction IN Hwy 19, to junction U.S. Hwy 35, to junction U.S. Hwy 24, to junction U.S. Hwy 52, to junction IL Hwy 1, to junction IL Hwy 17, to junction IL Hwy 18, to junction IL Hwy 23, to junction U.S. Hwy 52, to junction IL Hwy 2, to junction U.S. Hwy 30 to the IL-IA State line, then south along the IL-IA State line to Niota, IL, then to junction IL Hwy 9, to junction U.S. Hwy 150, to junction U.S. Hwy 136 to Indianapolis, IN, then along U.S. Hwy 421 to junction IN Hwy 9, to junction IN Hwy 244, to junction U.S. Hwy 421, to junction IN Hwy 129 to Vevay, IN, then to the IN-KY State line, then northeast along the IN-KY State line to the IN-OH State line, and then to the point of beginning to those points in FL on and east of a line beginning at West Palm Beach, FL, and extending west along FL Hwy 704 to junction FL Hwy 7, to junction U.S. Hwy 441, to junction FL Hwy 820, to junction U.S. Hwy 27, to junction FL Hwy 27, to junction U.S. Hwy 1 to Barnes Sound and the FL Keys. The purpose of this filing is to eliminate the gateways of Pulaski, VA, Martinsville, VA, and points in GA.

No. MC 61825 (Sub-No. E1265), 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. *New furniture*, from points in WI and those points in IA on and north of a line beginning at the IL-IA State line at Sabula, IA, and extending west along IA Hwy 64 to junction IA Hwy 38, to junction U.S. Hwy 20, to junction U.S. Hwy 63, to junction U.S. Hwy 30, to junction U.S. Hwy 59, to junction IA Hwy 37, to junction IA Hwy 191 to Council Bluffs, IA, and then to the IA-NE State line, to those points in FL on, south and east of a line beginning at Daytona Beach, FL, and extending west along U.S. Hwy 92 to junction Interstate Hwy 4, to junction U.S. Hwy 27, to junction FL Hwy 29, to the Caloosahatchee River, and then along the Caloosahatchee River to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of points in Smyth County, VA, Martinsville, VA, and points in GA.

No. MC 61825 (Sub-No. E 1266), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, DC 20036. *New furniture*, from points in NY and PA on and west of a line beginning at the WV-PA State line, and extending north along PA Hwy 18 to

junction PA Hwy 50, to junction PA Hwy 978, to junction PA Hwy 60, to junction PA Hwy 68, to junction PA Hwy 8, to junction PA Hwy 308, to junction PA Hwy 8, to junction PA Hwy 227, to junction PA Hwy 27, to junction U.S. Hwy 6, to junction U.S. Hwy 62, to junction NY Hwy 60, to junction NY Hwy 17, to junction U.S. Hwy 62 to Buffalo, NY, and the to the U.S.-CD International Boundary line, and those points in OH on and east of a line beginning at the WV-OH State line, and extending north along Interstate Hwy 77 to junction U.S. Hwy 62, to junction OH Hwy 225, to junction OH Hwy 5, to junction OH Hwy 534, to junction OH Hwy 87, to junction OH Hwy 45, to junction U.S. Hwy 6, to junction OH Hwy 46 to Ashtabula, OH, and then to Lake Erie, and those points in WV on and bounded by a line beginning at the OH-WV State line, and extending south along WV Hwy 14, to junction Interstate Hwy 77, to junction WV Hwy 34, to junction WV Hwy 3, to junction U.S. Hwy 119, to junction Interstate Hwy 79, to junction U.S. Hwy 19, to junction U.S. Hwy 250, to junction WV Hwy 69 to the WV-PA State line, then to the WV-OH State line, and then south to the point of beginning, to those points in LA on and south of a line beginning at the MS-LA State line, and extending west along U.S. Hwy 90 to Morgan City, LA, and then south along the lower Atchafalaya River to the Atchafalaya Bay. The purpose of this filing is to eliminate the gateways of Pulaski, VA, Martinsville, VA, and points in GA.

No. MC 61825 (Sub-No. E 1267), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, DC 20036. *New furniture*, (1) between points in CT, MA, ME, NH, RI, and VT, on the one hand, and, on the other, points in GA. The purpose of this filing is to eliminate the gateway of points in Smyth County, VA.

No. MC 61825 (Sub-No. E 1268), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, DC 20036. *New furniture*, except commodities in bulk, household goods as defined by the Commission, (1) between points in ME and NH on and east of a line beginning at Portsmouth, NH, and extending north along the Spaulding Turnpike to junction U.S. Hwy 202, to junction ME Hwy 4, to junction ME Hwy 27, and then along ME Hwy 27 to the U.S.-CD International Boundary line, on the one hand, and, on the other, those points in TN on and southwest of a line beginning at the

MO-TN State line, and extending east along TN Hwy 20 to junction Interstate Hwy 40, to junction U.S. Hwy 41, to junction U.S. Hwy 231, to junction U.S. Hwy 41A, to junction U.S. Hwy 64, to junction TN Hwy 97, and then along TN Hwy 97 to the TN-AL State line. The purpose of this filing is to eliminate the gateways of points in Smyth County, VA, Lynchburg, VA, and Pulaski, VA.

No. MC 83539 (Sub-No. E513), 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, tools, parts, materials, and supplies* moving in connection therewith, on trailers, between points in FL, on the one hand, and, on the other, points in MI.

The purpose of this filing is to eliminate the gateways of (1) points within a 50-mile radius of Nashville, TN, and (2) points in KY.

No. MC 83539 (Sub-No. E514), 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, tools, parts, materials, and supplies* moving in connection therewith, on trailers, between (1) points in Bay, Escanaba, Holmes, Okaloosa, Santa Rosa, Walton, and Washington Counties, FL, on the one hand, and, on the other, points in PA in, west and north of Fulton, Huntingdon, Juniata, Perry, Dauphin, Lebanon, Berks, Lehigh, and Northampton Counties, PA, and (2) points in Sarasota, Charlotte, Lee, Collier, Monroe, De Soto, Glades, Hendry, Palm Beach, Broward, and Dade Counties, FL, on the one hand, and, on the other, points in Allegheny, Beaver, Butler, Crawford, Erie, Greene, Lawrence, Mercer, Venango, Warren, and Washington Counties, PA. The purpose of this filing is to eliminate the gateways of (1) points within a 50-mile radius of Nashville, TN, and (2) points in KY.

No. MC 83539 (Sub-No. E515), 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, tools, parts, materials, and supplies* moving in connection therewith, on trailers, between (1) points in FL in and south of Pinellas, Hillsborough, Polk, Highlands, Okeechobee, and Palm Beach Counties, on the one hand, and, on the other,

points in Lee County, VA, and (2) points in Escambia, Okaloosa, and Santa Rosa Counties, FL, on the one hand, and, on the other, points in VA in, north and west of Washington, Smyth, Wythe, Pulaski, Montgomery, Roanoke, Botetourt, Rockbridge, Augusta, Albemarle, Greene, Madison, Culpeper, Fauquier, and Prince William Counties.

The purpose of this filing is to eliminate the gateways of (1) points within a 50-mile radius of Nashville, TN.

No. MC 83539 (Sub-No. E516), 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, tools, parts, and supplies* moving in connection therewith, on trailers, between points in GA, on the one hand, and, on the other, points in IA. The purpose of this filing is to eliminate the gateways of (1) points within a 50-mile radius of Nashville, TN, (2) points in KY, and (3) points in IL.

No. MC 83539 (Sub-No. E517), 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, tools, parts, and supplies* moving in connection therewith, on trailers, between points in GA, on the one hand, and, on the other, points in MI. The purpose of this filing is to eliminate the gateways of (1) points in KY, and (2) points within a 50-mile radius of Nashville, TN.

No. MC 83539 (Sub-No. E518), 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, on trailers, (1) between points in GA, on the one hand, and, on the other, points in OH in and north of Defiance, Henry, Wood, Seneca, Huron, Lorain, Medina, Summit, Portage, and Trumbull Counties, (2) between points in GA in and west of Murray, Gordon, Bartow, Cherokee, Fulton, De Kalb, Henry, Butts, Monroe, Bibb, Houston, Dooly, Crisp, Turner, Tift, Colquitt, and Brooks Counties, on the one hand, and, on the other points in OH, and (3) between points in GA in and west of Whitfield, Gordon, Cherokee, Fulton, De Kalb, Rockdale, Newton, Jasper, Putnam, Baldwin, Wilkinson, Laurens, Dodge, Telfair, Coffee, Ware,

and Charlton Counties, on the one hand, and, on the other, points in OH in and west of Cuyahoga, Summit, Wayne, Ashland, Knox, Licking, Fairfield, Pickaway, Ross, Highland, and Adams Counties. To the extent that the authority granted is duplicative, it shall not be construed as conferring more than one operating right. The purpose of this filing is to eliminate the gateways of (1) points within a 50-mile radius of Nashville, TN, and (2) points in KY.

No. MC 83539 (Sub-No. E519), 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, on trailers, between (1) points in GA in and west of Catoosa, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chattahoochee, Stewart, Randolph, Clay, Early, Miller, and Decatur Counties, on the one hand, and, on the other, points in PA in and west of Bradford, Sullivan, Lycoming, Clinton, Centre, Blair, Cambria, and Somerset Counties, and (2) points in GA in, west and south of Union, White, Hall, Jackson, Clarke, Oconee, Greene, Hancock, Washington, Johnson, Emanuel, Candler, Evans, Tattnall, Long, Wayne, and Glynn Counties, on the one hand, and, on the other, points in Erie County, PA. To the extent that the authority granted in duplicative, it shall not be construed as conferring more than one operating right. The purpose of this filing is to eliminate the gateways of (1) points within a 50-mile radius of Nashville, TN, and (2) points in KY.

No. MC 83539 (Sub-No. E520), 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, on trailers, between (1) points in GA in and west of Whitfield, Gordon, Pickens, Cherokee, Fulton, De Kalb, Henry, Butts, Monroe, Bibb, Houston, Dooly, Crisp, Turner, Tift, Berrien, and Lowndes Counties, on the one hand, and, on the other, points in Brooke, Hancock, and Ohio Counties, WV, and (2) points in GA in and west of Whitfield, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chattahoochee, Stewart, Randolph, Calhoun, Early, Miller, and Decatur Counties, on the one hand, and, on the other, points in

WV in, west, and north of Monongalia, Marion, Harrison, Doddridge, Gilmer, Calhoun, Roane, Kanawha, Putnam, and Cabell Counties. To the extent that the authority granted in duplicative, it shall not be construed as conferring more than one operating right. The purpose of this filing is to eliminate the gateways of (1) points within a 50-mile radius of Nashville, TN, and (2) points in KY.

No. MC 83539 (Sub-No. E521), 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, on trailers, between (1) points in the lower peninsula of MI, on the one hand, and, on the other, points in IL, (2) points in MI, on the one hand, and, on the other, points in IL in and south of Hancock, McDonough, Fulton, Tazewell, Woodford, Livingston, Grundy, Will, Du Page, and Cook Counties, and (3) points in MI in and east of Houghton, Iron and Keweenaw Counties, on the one hand, and, on the other, points in IL south of Hancock, McDonough, Warren, Knox, Stark, Marshall, Putnam, La Salle, Kendall, Will, Du Page, and Cook Counties. To the extent that the authority granted is duplicative, it shall not be construed as conferring more than one operating right. The purpose of this filing is to eliminate the gateway of points in IN.

No. MC 83539 (Sub-no. E522), 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, on trailers, between (1) points in IL, except points in Jo Daviess and Carroll Counties, on the one hand, and, on the other, points in MT in, north and west of Lincoln, Flathead, Teton, Pondera, Liberty, and Hill Counties, and (2) points in IL in and east of Winnebago, Ogle, Lee, Bureau, Stark, Peoria, Tazewell, Mason, Cass, Morgan, Scott, Greene, and Jersey Counties, on the one hand, and, on the other, points in MT. To the extent that the authority granted in duplicative, it shall not be construed as conferring more than one operating right. The purpose of this filing is to eliminate the gateway of NE.

No. MC 83539 (Sub-No. E523), 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, tools, parts, materials, and supplies* moving in connection therewith, on trailers, between points in IL, on the one hand, and, on the other, points in OH. The purpose of this filing is to eliminate the gateway of points in IN.

No. MC 83539 (Sub-No. E524), 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, on trailers, between points in IL, on the one hand, and, on the other, points in PA. The purpose of this filing is to eliminate the gateway of points in IN.

No. MC 83539 (Sub-No. E526), 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, on trailers, between points in IL, on the one hand, and, on the other, points in VA. The purpose of this filing is to eliminate the gateways of (1) points in IN, and (2) points in KY.

No. MC 83539 (Sub-No. E527), 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, tools, parts, machinery, and supplies* moving in connection therewith, on trailers, between points in IL, on the one hand, and, on the other, points in WV. The purpose of this filing is to eliminate the gateways of (1) points in IN, and (2) points in KY.

No. MC 83539 (Sub-No. E528), 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, tools, parts, machinery, and supplies* moving in connection therewith, on trailers, between (1) points in IL in and east of Lake, Cook, Du Page, Will, Kankakee, Ford, Champaign, Douglas, Coles, Cumberland, Jasper, Richland, Edwards, White, Gallatin, and Hardin Counties, on the one hand, and, on the other, points in

WY, (2) points in IL in, east, and south of Stephenson, Ogle, Lee, Bureau, Stark, Peoria, Tazewell, Logan, Menard, Sangamon, Macoupin, Madison, St. Clair, and Randolph Counties, on the one hand, and, on the other, points in WY in, west and north of Teton and Park Counties, and (3) points in IL in and east of Boone, De Kalb, La Salle, Livingston, McLean, De Witt, Macon, Shelby, Effingham, Clay, Wayne, Hamilton, Saline, and Pope Counties, on the one hand, and, on the other, points in WY in, west and north of Carbon, Natrona, Converse, and Niobrara Counties. Restricted in (1), (2), and (3) 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 KS City, MO. To the extent that the authority granted is duplicative, it shall not be construed as conferring more than one operating right. The purpose of this filing is to eliminate the gateways of (1) points in IA, and (2) points in SD.

No. MC 83539 (Sub-No. E529), 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, tools, parts, and supplies moving in connection therewith*, on trailers, between (1) points in IN in, west, and south of Vigo, Clay, Owen, Greene, Martin, Dubois, and Perry Counties, on the one hand, and, on the other, points in NC, and (2) points in IN in and west of La Porte, Starke, Pulaski, Cass, Howard, Tipton, Hamilton, Marion, Johnson, Bartholomew, Jackson, Scott, and Clark Counties, on the one hand, and, on the other, points in Robeson, Bladen, Columbus, Brunswick, and New Hanover Counties, NC. To the extent that the authority granted is duplicative, it shall not be construed as conferring more than one operating right. The purpose of this filing is to eliminate the gateways of (1) points in KY, and (2) points within a 50-mile radius of Nashville, TN.

No. MC 83539 (Sub-No. E530), 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, tools, parts, materials, and supplies moving in connection therewith*, on trailers, between (1) points in IA, on the one hand, and, on the other, points in LA in and east of East Carroll, Madison, Tensas, Concor-

dia, Pointe Coupee, Iberville, Assumption, and Terrebonne Parishes, (2) points in IA in, east and north of Woodbury, Ida, Crawford, Shelby, Cass, Adair, Madison, Clarke, and Decatur Counties, on the one hand, and, on the other, points in LA in and east of Morehouse, Ouachita, Caldwell, La Salle, Grant, Rapides, Evangeline, St. Landry, Lafayette, and Iberia Parishes, and (3) points in IA in and east of Mitchell, Floyd, Butler, Grundy, Tama, Poweshiek, Mahaska, Wapello, Jefferson, and Van Buren Counties, on the one hand, and, on the other, points in LA. To the extent that the authority granted is duplicative, it shall not be construed as conferring more than one operating right. The purpose of this filing is to eliminate the gateways of (1) points in AR, (2) points in IL, (3) points in KY, and (4) points in MS.

No. MC 83539 (Sub-No. E531), 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, tools, parts, and supplies moving in connection therewith*, on trailers, between (1) points in Des Moines and Lee Counties, IA, on the one hand, and, on the other, points in MI in and east of Keweenaw, Houghton, and Iron Counties, and (2) points in IA, on the one hand, and, on the other, points in MI in and south of Leelanau, Antrim, Otsego, Montmorency, and Alpena Counties. To the extent that the authority granted is duplicative, it shall not be construed as conferring more than one operating right. The purpose of this filing is to eliminate the gateways of (1) points in IL, and (2) points in IN.

No. MC-83539 (Sub-No. E532), 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, tools, parts, and supplies moving in connection therewith*, on trailers, between points in IA, on the one hand, and, on the other, points in OH. The purpose of this filing is to eliminate the gateways of (1) points in IL, and (2) points in IN.

No. MC-83539 (Sub-No. E533), 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, tools, parts, and supplies moving in connection therewith*,

on trailers, between points in IA, on the one hand, and, on the other, points in PA. The purpose of this filing is to eliminate the gateways of (1) points in IL, and (2) points in IN.

No. MC 108119 (Sub-No. E42), filed July 11, 1976. Applicant: E. L. MURPHY TRUCKING CO. P.O. Box 3010, St. Paul, MN 55165. Applicant's representative: Mark E. Moser (same as above). *Metal and metal articles*, (1) Between points in MO on the north of U.S. Hwy 36, and, on and west of MO Hwy 5, on the one hand, and, on the other hand, points in CA (points on, north and west of a line extending from the CA-NV line along U.S. Hwy 6 to Bishop, CA, then southerly along U.S. Hwy 395 to Rialto, CA, then westerly on Interstate Hwy 10 to La Verne, CA, then southerly along CA Hwy 57 to Fullerton, CA, then southerly along CA Hwy 72 to the Pacific Ocean, including the Commercial Zone of Santa Ana, CA, only), CT (points on and north of a line extending from the Atlantic Ocean northerly along CT Hwy 85 to its junction with CT Hwy 66, then westerly along CT Hwy 66 to Waterbury, CT, then westerly along Interstate Hwy 84 to the CT-NY line only), ME, MA, NV (points on and west of a line extending from the NV-OR line southerly along U.S. Hwy 95 to Winnemucca, NV, then easterly on U.S. Hwy 40 to Battle Mountain, NV, then southerly on NV Hwy 8A to its junction with U.S. Hwy 6, then westerly along U.S. Hwy 6 to the NV-CA line only), NH, NY (points on, north and east of a line extending from the NY-CT line along Interstate Hwy 84 to its junction with NY Hwy 17, then northwesterly along NY Hwy 17 to Deposit, NY, then northerly along NY Hwy 8 to Utica, NY, then northerly on NY Hwy 12 to Watertown, NY, then westerly on NY Hwy 3 to Lake Ontario only), ND, RI, SD (except those in the Counties of Shannon, Bennett, Todd, Tripp, Gregory, Charles Mix, Douglas, Hutchinson, Bon Homme, Yankton, Turner, Clay, Lincoln, and Union), VT and WY (points on and north of a line extending from the WY-SD line westerly along U.S. Hwy 16 to Worland, WY, then southerly along U.S. Hwy 20 to Shoshoni, WY, then along U.S. Hwy 26 to Riverton, WY, then southwestwesterly along WY Hwy 789 to Lander, WY, then northwestwesterly along U.S. Hwy 287 to its junction with U.S. Hwy 89, then westerly along U.S. Hwy 289 to the WY-ID line only).

(2) Between points in MO on and north of U.S. Hwy 36, and, east of MO Hwy 5, on the one hand, and, on the other hand, points in CA (points on, north and west of a line extending from the CA-NV line westerly along U.S. Hwy 6 to Bishop, CA, then southerly along U.S. Hwy 395 to Riverside, CA, then westerly along CA Hwy 91 to its junction with CA Hwy 55 then

southerly along CA Hwy 55 to the Pacific Ocean only), NV (points on and north of a line extending from the NV-UT line southwesterly along U.S. Alternate Hwy 50 to Ely, NV, then westerly along U.S. Hwy 6 to the NV-CA line only), ND, SD (except those in Bon Homme, Yankton, Clay and Union Counties), UT (points on, west and north of a line extending from the UT-ID line southerly along U.S. Hwy 89 to Salt Lake City, UT, then westerly along U.S. Hwy 40 to the UT-NV line only), and WY (except those in Uinta, Sweetwater, Carbon, Albany, Platte, Laramie, Niobrara, and Goshen Counties).

(3) Between points in that portion of MO described by the following boundaries: commencing at the MO-KS line, south of U.S. Hwy 36 easterly to its junction with MO Hwy 5 on and west of MO Hwy 5 extending southerly to its junction with U.S. Hwy 40, then, on and south of U.S. Hwy 40 extending easterly to Columbia, MO, then on and west of U.S. Hwy 63 to Rolla, MO, then on and north of U.S. Hwy 66 extending westerly to Lebanon, MO, then on and north of MO Hwy 32 to Buffalo, MO, then on and north of MO Hwy 13 to Collins, MO, then on and north of U.S. Hwy 54 to the MO-KS line, but not including points in the Commercial Zone of Kansas City, MO, on the one hand, and, on the other hand, points in CA (points in and north of the Counties of Alpine, Tuolumne, Mariposa, Merced, Santa Clara, and points in Monterey County on and west of U.S. Hwy 101 southerly to Salinas, CA, then westerly along CA Hwy 68 to the Pacific Ocean only), NV (points on, north and west of a line extending from the NV-ID line southerly along U.S. Hwy 93 to Wells, NV, then westerly along U.S. Hwy 40 to Winnemucca, NV, then southerly along U.S. Hwy 95 to Fallon, NV, then westerly along U.S. Hwy 50 to Carson City, NV, then westerly along U.S. Hwy 50 to the NV-CA line only), ND, SD (except those in the Counties of Charles Mix, Bon Homme, Yankton, Clay and Union), and WY (points on, north and west of a line extending from the WY-NE line westerly along U.S. Hwy 20 to Casper, WY, then southwestly along WY Hwy 220 to Muddy Gap, WY, then northwestly along U.S. Hwy 287 to its junction with U.S. Hwy 89, then southerly along U.S. Hwy 89 to the WY-ID line only).

(4) Between points in that portion of MO described by the following boundaries: commencing at the MO-IL line south of a line extending westerly on U.S. Hwy 36 to its junction with MO Hwy 5, then east of MO Hwy 5 extending southerly to its junction with U.S. Hwy 40, then north of U.S. Hwy 40 to Columbia, MO, then east of U.S. Hwy 63 extending southerly to Rolla, MO,

then on and north of U.S. Hwy 66 extending easterly to its junction with MO Hwy 8, then on and north of MO Hwy 8 extending easterly to Potosi, MO, then on and east of MO Hwy 21 extending southeasterly to Ironton, MO, then on and north of MO Hwy 72 to Jackson, MO, then on and east of U.S. Hwy 61 extending southeasterly to the MO-IL line at Cape Girardeau, MO, but not including points within the St. Louis commercial zone, on the one hand, and, on the other hand, points in CA (points on, west and north of a line extending from the CA-NV line westerly along U.S. Hwy 6 to Bishop, CA, then southerly along U.S. Hwy 395 to Perris, CA, then westerly along CA Hwy 74 to the Pacific Ocean only), NV (points on and north of a line extending southwestly from the NV-UT line along U.S. Alternate Hwy 50 to Ely, NV, then westerly along U.S. Hwy 6 to the NV-CA line only), ND, SD (except those in the counties of Bon Homme, Yankton, Clay, and Union), UT (points on and north of a line extending westerly and southerly from the UT-WY line along U.S. Hwy 189 to its junction with U.S. Hwy 50, then westerly along U.S. Hwy 50 to Silver City, UT, then northerly along UT Hwy 36 to its junction with U.S. Hwy 40, then westerly along U.S. Hwy 40 to the UT-NV line only), and WY (points on and north of a line extending from the WY-NE line westerly along U.S. Hwy 20 to Casper, WY, then southwestly along WY Hwy 220 to Muddy Gap, WY, then westerly along U.S. Hwy 287 to its junction with WY Hwy 28 to Farson, WY, then via unnumbered road westerly from Farson, WY to Emigrant Springs, WY, then southerly along U.S. Hwy 189 to the WY-UT line only).

(5) Between points in MO south of a line extending from the MO-KS line along U.S. Hwy 54 easterly to Collins, MO, then along MO Hwy 13 southeasterly to Bolivar, MO, then easterly along MO Hwy 32 to Lebanon, MO, then northeasterly along U.S. Hwy 66 to Rolla, MO, then on and west U.S. Hwy 63 extending southerly to the MO-AR line, on the one hand, and, on the other hand, points in CA (points in and north of the counties of Alpine, Calaveras, San Joaquin, Santa Clara and Santa Cruz), NV (points on and north of a line extending from the NV-UT line westerly along U.S. Hwy 40 to Winnemucca, NV, then southerly along U.S. Hwy 95 to Fallon, NV, then westerly along U.S. Hwy 50 to the NV-CA line only), ND, SD (except those in Bon Homme, Yankton, Clay and Union Counties), UT (points on, west and north of a line extending from the UT-ID line southerly along U.S. Hwy 89 to Salt Lake City, UT, then westerly along U.S. Hwy 40 to the UT-NV line only), and WY (except those in Uinta, Sweetwater, Carbon, Albany,

Platte, Laramie, Niobrara and Goshen Counties).

(6) Between points in MO east of a line extending from the MO-AR line northerly along U.S. Hwy 63 to Rolla, MO, then south of a line extending easterly from Rolla, MO along U.S. Hwy 66 to its junction with MO Hwy 8, then easterly along MO Hwy 8 to Potosi, MO, then southeasterly along MO Hwy 21 to Ironton, MO, then easterly along MO Hwy 72 to Jackson, MO, then southeasterly along U.S. Hwy 61 to the MO-IL line at Cape Girardeau, MO, on the one hand, and, on the other hand, points in CA (points on and north of a line extending from the CA-NV line westerly along CA Hwy 88 to Jackson, CA, then southerly along CA Hwy 49 to Mariposa, CA, then westerly along CA Hwy 140 to Merced, CA, then southerly along CA Hwy 59 to its junction with CA Hwy 152, then westerly along CA Hwy 152 to Gilroy, CA, then southerly along U.S. Hwy 101 to Salinas, CA, then westerly along CA Hwy 68 to the Pacific Ocean only), NV (points on, north and west of a line extending from the NV-UT line westerly along U.S. Hwy 40 to Winnemucca, NV, then southerly along U.S. Hwy 95 to Fallon, NV, then westerly along U.S. Hwy 50 to the NV-CA line only), ND, SD (except those in Clay and Union Counties), UT (points on, west, and north of a line extending from the UT-ID line southerly along U.S. Hwy 89 to Salt Lake City, UT, then westerly along U.S. Hwy 40 to the UT-NV line only), and WY (points on and north of a line extending from the WY-NE line westerly along U.S. Hwy 20 to Casper, WY, then southwestly along WY Hwy 220 to Muddy Gap, WY, then northwestly along U.S. Hwy 287 to its junction with U.S. Hwy 89, then southerly along U.S. Hwy 89 to the WY-ID line only).

(7) Between points in the commercial zone of St. Louis, on the one hand, and, on the other hand, points in CA (points on and north of a line extending from the Pacific Ocean, near San Juan Capistrano, CA along CA Hwy 74 to its junction with U.S. Hwy 395, then northerly along U.S. Hwy 395 to its junction with Interstate Hwy 15, then northeasterly along Interstate Hwy 15 to the CA-NV line only), MI (points in the upper peninsula only), NV (points on and north of Interstate Hwy 15 only), ND, SD (except the counties of Clay, Union, and Lincoln), UT (points on and west of a line extending from the UT-AR line northeasterly along Interstate Hwy 15 to its junction with UT Hwy 20, then easterly along UT Hwy 20 to U.S. Hwy 89, then northerly along U.S. Hwy 89 to Provo, UT, then northeasterly along U.S. Hwy 189 to the UT-WY line only), WI (points on and north of a line extending from the Mississippi River near Lansing, IA,

easterly along WI Hwy 82 to its junction with WI Hwy 13, then northerly along WI Hwy 13 to WI Rapids, WI, then easterly along WI Hwy 54 to its junction with U.S. Hwy 51, then northerly along U.S. Hwy 51 to its junction with U.S. Hwy 8, then easterly along U.S. Hwy 8 to the WI-MI line only), and WY (points on and west of a line extending from the WY-CO line northerly on WY Hwy 789 to its junction with Interstate Hwy 80 at Creston, WY, then easterly along Interstate Hwy 80 to Rawlins, WY, then northerly along U.S. Hwy 287 to Muddy Gap, WY, then northeasterly along WY Hwy 220 to Casper, WY, then easterly along U.S. Hwy 20 to the WY-NE line only).

(8) Between points in the commercial zone of Kansas City, on the one hand, and, on the other hand, points in CA (points on, west and north of a line extending from the CA-NV line westerly along U.S. Hwy 6 to Bishop, CA, then southerly along U.S. Hwy 395 to its junction with CA Hwy 178, then westerly along CA Hwy 178 to its junction with CA Hwy 155, then westerly along CA Hwy 155 to CA Hwy 65, then southerly along CA Hwy 65 to Bakersfield, CA, then westerly along CA Hwy 58 to its junction with CA Hwy 33, then southerly along CA Hwy 33 to Meiners Oaks, CA, then southeasterly along CA Hwy 150 to Santa Paula, CA, then easterly along CA Hwy 126 to its junction with Interstate Hwy 5, then southerly to the city limits of Los Angeles, CA, and points within the Los Angeles commercial zone, only), CT (points on, north and east of a line extending easterly from the CT-NY line along Interstate Hwy 84 to Waterbury, CT, then easterly along CT Hwy 66 to its junction with CT Hwy 16, then easterly along CT Hwy 16 to its junction with CT Hwy 85, then southerly along CT Hwy 85 to New London, CT only), ME, MA, MI (points in the upper peninsula only), NV (points on, north and west of a line extending from the NV-UT line southerly along U.S. Alternate Hwy 50 to Ely, NV, then westerly along U.S. Hwy 6 to the NV-CA line only), NH, NY (points on, north and east of a line extending from the NY-CT line westerly along Interstate Hwy 84 to Newburgh, NY, then westerly along NY Hwy 52 to its junction with NY Hwy 17 at Liberty, NY, then northwesterly along NY Hwy 17 to Deposit, NY, then northerly along NY Hwy 8 to Utica, NY, then northerly along NY Hwy 12 to Watertown, NY, then westerly along NY Hwy 3 to Lake Ontario only), ND, RI, SD (points on and north of Interstate Hwy 90 only), UT (points on and west of a line extending from the UT-WY line southerly along U.S. Hwy 189 to Provo, UT, then southerly along U.S. Hwy 91 to Santaquin, UT, then westerly along U.S. Hwy 50 to Silver City,

UT, then northerly along UT Hwy 36 to Interstate Hwy 80, then westerly along Interstate Hwy 80 to the UT-NV line only), VT, WI (points on and north of a line extending from the WI-IA line easterly along WI Hwy 171 to its junction with U.S. Hwy 14, then easterly along U.S. Hwy 14 to Madison, WI, then easterly along Interstate Hwy 94 to Lake Michigan, and points in the Milwaukee, WI commercial zone, only), and WY (points on and north of a line extending from the WY-NE line westerly along U.S. Hwy 20 to Casper, WY, then westerly along U.S. Hwy 26 to Riverton, WY, then southerly along WY Hwy 789 to Lander, WY, then southerly along U.S. Hwy 287 to its junction with WY Hwy 28, then southwesterly along WY Hwy 28 to Farson, WY, then via unnumbered road west to Emigrant Springs, WY, then southerly along U.S. Hwy 189 to the WY-UT line only).

(9) Between points in MT in and west of the counties of Flathead and Missoula on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points on and east of a line extending southerly along U.S. Hwy 281 to its junction with U.S. Hwy 40, then westerly along U.S. Hwy 40 to its junction with U.S. Hwy 183, then southerly along U.S. Hwy 183 to the KS-OK State line), KY, LA, ME, MD, MA, MI (points in the upper peninsula only), MN, MS, NE (points on and east of U.S. Hwy 281), NH, NJ, NY, NC, ND (points on and east of a line extending southerly along ND Hwy 1 to Interstate Hwy 94, then westerly along Interstate Hwy 94 to its junction with U.S. Hwy 281, then southerly along U.S. Hwy 281 to the ND-SD State line), OK (points on and east of a line extending southerly along U.S. Hwy 183 to its junction with U.S. Hwy 270, then southeasterly along U.S. Hwy 270 to its junction with OK Hwy 34 to its junction with U.S. Hwy 283, then southerly along U.S. Hwy 283 to the OK-TX State line), PA, RI, SC, SD (points on and east of U.S. Hwy 281), TN, TX (points on and east of a line extending southerly along U.S. Hwy 183 to its junction with U.S. Hwy 277, then southerly along U.S. Hwy 277 to its junction with U.S. Hwy 83 then southerly along U.S. Hwy 83 to the International boundary line near Laredo, TX), VT, VA, WV and WI.

(10) Between points in MT within the counties of Lewis and Clark, Powell, Granite, Ravalli, Anaconda, Jefferson, Beaverhead, Silver Bow and Madison, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points on and east of U.S. Hwy 281), KY, LA, ME, MD, MA, MI (points in the upper peninsula only), MN, MS, NE (points on and east of U.S. Hwy 281), NH, NJ,

NY, NC, ND (points on and east of a line extending southerly along ND Hwy 1 to its junction with ND Hwy 13, then easterly along ND Hwy 13 to its junction with ND Hwy 32, then southerly along ND Hwy 32 to the ND-SD State line), OK (points on and east of a line extending southerly along U.S. Hwy 281 to its junction with U.S. Hwy 183, then southerly along U.S. Hwy 183 to the OK-TX State line), PA, RI, SC, SD (points on and east of a line extending southerly along SD Hwy 25 to its junction with SD Hwy 10, then westerly along SD Hwy 10, to its junction with SD Hwy 37, then southerly along SD Hwy 37 to its junction with U.S. Hwy 18, then westerly along U.S. Hwy 18 to its junction with U.S. Hwy 281, then along U.S. Hwy 281 to the SD-NE State line), TN, TX (points on and east of a line extending southerly along U.S. Hwy 183 to its junction with U.S. Hwy 277, then southerly along U.S. Hwy 277 to its junction with U.S. Hwy 83, then southerly along U.S. Hwy 83 to the International Boundary line near Laredo, TX), VT, VA, WV and WI.

(11) Between points in MT within the counties of Glacier, Toole, Liberty, Hill, Pondera, Teton, Chouteau and Cascade, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points on and east of U.S. Hwy 281), KY, LA, ME, MD, MA, MI (points in the upper peninsula only), MN, MS, NE (points on and east of U.S. Hwy 281), NH, NJ, NY, NC, ND (points on and east of ND Hwy 32), OK (points on and east of a line extending southerly along U.S. Hwy 281 to its junction with U.S. Hwy 183, then southerly along U.S. Hwy 183 to its junction with U.S. Hwy 62, then westerly along U.S. Hwy 62 to its junction with U.S. Hwy 283, then southerly along U.S. Hwy 283 to the OK-TX State line), PA, RI, SC, SD, (points on and east of a line extending southerly along SD Hwy 25 to its junction with U.S. Hwy 12, then westerly along U.S. Hwy 12 to its junction with SD Hwy 37, then southerly along SD Hwy 37 to its junction with U.S. Hwy 18, then westerly along U.S. Hwy 18 to its junction with U.S. Hwy 281, then southerly along U.S. Hwy 81, then southerly along U.S. Hwy 81 to the International Boundary near Laredo, TX), VT, VA, WV and WI.

(12) Between points in MT within the counties of Meagher, Wheatland, Golden Valley, Musselshell, Broadwater, Gallatin, Park, Sweet Grass, Stillwater, Yellowstone and Carbon, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points on and east of a line extending southerly along U.S. Hwy 81 to its junction with KS Hwy 61, then southwesterly along KS Hwy 61 to its junction with U.S. Hwy 281, then southerly along U.S. Hwy 281 to

the KS-OK State line), KY, LA, ME, MD, MA, MI (points in the upper peninsula only), MN, MS, NE, (points on and east of U.S. Hwy 81), NH, NJ, NY, NC, ND (points on and east of ND Hwy 32), OK (points on and east of a line extending southerly along OK Hwy 8 to its junction with U.S. Hwy 62, then southerly along U.S. Hwy 62 to the OK-TX State line), PA, RI, SC, SD (points on and east of a line extending southerly along SD Hwy 25 to its junction with U.S. Hwy 81, then southerly along U.S. Hwy 81 to the SD-NE State line), TN, TX (points on and east of a line extending southerly along U.S. Hwy 281 to its junction with Interstate Hwy 35, then southerly along Interstate Hwy 35 to the International Boundary line near Laredo, TX), VT, VA, WV and WI.

(13) Between points in MT within the counties of Blaine, Phillips, Valley, Daniels, Sheridan, Judith Basin, Fergus, Petroleum, Garfield, McCone, Roosevelt, Dawson, Prairie, Wibaux and Richland, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points on and east of a line extending southerly along U.S. Hwy 81 to its junction with U.S. Hwy 40, then westerly along U.S. Hwy 40 to its junction with U.S. Hwy 156 then southerly along U.S. Hwy 156 to its junction with U.S. Hwy 281, then southerly along U.S. Hwy 281 to the KS-OK State line), KY, LA, ME, MD, MA, MI (points in the upper peninsula only), MN, MS, NE (points on and east of U.S. Hwy 81), NH, NJ, NY, NC, ND (points on and east of a line extending southerly along ND Hwy 18 to its junction with ND Hwy 13, then westerly along ND Hwy 13 to its junction with ND Hwy 32, then southerly along ND Hwy 32 to the ND-SD State line), OK (points on and east of a line extending southerly along U.S. Hwy 281 to its junction with U.S. Hwy 183, then southerly along U.S. Hwy 183 to its junction with U.S. Hwy 62, then westerly along U.S. Hwy 62 to its junction with U.S. Hwy 283, then southerly along U.S. Hwy 283 to the OK-TX State line), PA, RI, SC, SD, (points on and east of U.S. Hwy 81), TN, TX (points on and east of a line extending southerly along U.S. Hwy 183 to its junction with U.S. Hwy 277, then southerly along U.S. Hwy 277 to the International Boundary near Del-Rio, Texas), VT, VA, WV and WI.

(14) Between points in MT within the Counties of Rosebud, Custer, Fallon, Treasure, Big Horn, Powder River and Carter, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points on and east of U.S. Hwy 81), KY, LA, ME, MD, MA, MI (points in the upper peninsula only), MN, MS, NE (points on and east of U.S. Hwy 81), NH, NJ, NY, NC, ND (points on

and east of ND Hwy 18), OK (points on and east of a line extending southerly along U.S. Hwy 81 to its junction with the H. E. Bailey Turnpike, then southerly along the H. E. Bailey Turnpike to the OK-TX State line), PA, RI, SC, SD (points on and east of U.S. Hwy 81), TN, TX (points on and east of a line extending southerly along U.S. Hwy 281 to its junction with U.S. Hwy 377, then southerly along U.S. Hwy 377 to its junction with U.S. Hwy 83, then southerly along U.S. Hwy 83 to the International Boundary near Laredo, TX), VT, VA, WV and WI.

(15) Between points in ND on and west of a line extending southerly from the ND-Canadian line over ND Hwy 3 to Steele, ND then westerly on Interstate Hwy 94 to Sterling, ND, then southerly on U.S. Hwy 83 to the ND-SD line, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, KS (points on and east of Interstate Hwy 35 only), KY, LA, ME, MD, MA, MI (points in the lower peninsula only), MS, MO, NH, NJ, NY, NC, OH, OK (points on and east of Interstate Hwy 35 only), PA, RI, SC, TN, TX (points on and east of Interstate Hwy 35 only), VT, VA and WV.

(16) Between points in ND east of a line extending southerly from the ND-Canadian line over ND Hwy 3 to Steele, ND, then westerly on Interstate Hwy 94 to Sterling, ND, then southerly on U.S. Hwy 83 to the ND-SD line and points west of ND Hwy 1, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, KS (points on and east of Interstate Hwy 35 to Wichita, KS, then northerly along Interstate Hwy 35W to its junction with U.S. Hwy 50, then northeasterly to its junction with U.S. Hwy 77, then northerly to the KS-NE line only), KY, LA, ME, MD, MA, MI (points in the lower peninsula only), MS, MO, NE (points on and east of U.S. Hwy 77 only), NH, NJ, NY, NC, OH, OK (points on and east of U.S. Hwy 183 extending northerly from the TX-OK line to Seiling, OK, then northerly along U.S. Hwy 281 to the OK-KS line only), PA, RI, SC, TN, TX (points on and east of Interstate Hwy 35, extending northerly from Laredo, TX to San Antonio, TX, then northerly along U.S. Hwy 87 to Brady, TX, then northerly along U.S. Hwy 283 to the TX-OK line only), VT, VA and WV.

(17) Between points in ND on and east of a line extending southerly from the ND-Canadian line along ND Hwy 1 to the ND-SD line, on the one hand, and, on the other hand, points in AL, AR, CA, CT, DE, DC, FL, GA, IL, IN, KS (points on and east of a line extending from the KS-OK line northerly along Interstate Hwy 35 to Wichita, KS, then northerly along Interstate Hwy 35W to its junction with

U.S. Hwy 50, then northeasterly along U.S. Hwy 50 to its junction with U.S. Hwy 77, then northerly along U.S. Hwy 77 to the KS-NE line only), KY, LA, ME, MD, MA, MI (points in the lower peninsula only), MS, MO, MT (points on and west of a line extending northerly from the ID-MT line along Interstate Hwy 15 to Helena, MT, then northerly along U.S. Hwy 287 to its junction with U.S. Hwy 89, then northerly along U.S. Hwy 89 to the MT-Canadian line only), NE (points on and east of U.S. Hwy 77 only), NV, NH, NJ, NY, NC, OH, OK (points on and east of U.S. Hwy 183, extending northerly from the TX-OK line to Seiling, OK, then northerly along U.S. Hwy 281 to the OK-KS line only), PA, RI, SC, TN, TX (points on and east of Interstate Hwy 35, extending northerly from Laredo, TX to San Antonio, TX, then northerly along U.S. Hwy 87 to Brady, TX, then northerly along U.S. Hwy 283 to the TX-OK line only), VT, VA and WV.

(18) Between points in ND on and east of ND Hwy 18, on the one hand, and, on the other hand, points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI (points in the lower peninsula only), MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, UT, VT, VA, WV and WY.

(19) Between points in OH lying west of U.S. Hwy 23, on the one hand, and, on the other hand, points in AZ (except Greenlee, Graham, Cochise and Santa Cruz Counties), CA, CO, (points on, north and west of a line extending southerly from the CO-NE line along CO Hwy 113 to its junction with U.S. Hwy 6, then southwesterly along U.S. Hwy 6 to the Denver Commercial Zone, including all points within the Denver Commercial Zone, then southwesterly from the Denver Commercial Zone along U.S. Hwy 285 to its junction with U.S. Hwy 50, also the Commercial Zone of Salida, CO, then westerly along U.S. Hwy 50 to Montrose, CO, then southerly along U.S. Hwy 550 to the CO-NM line only), NE (points on, north and west of a line extending westerly from the NE-IA line along U.S. Hwy 20 to its junction with U.S. Hwy 83, then southerly along U.S. Hwy 83 to Thedford, NE, then westerly along NE Hwy 2 to Alliance, NE, then southerly along U.S. Hwy 385 to Sidney, NE, then southerly along NE Hwy 19 to the NE-CO line only), NV, ND, SD, UT and WY.

(20) Between points in OH south of U.S. Hwy 40 and also on and east of U.S. Hwy 23, on the one hand, and, on the other hand, points in AZ, CA, CO (points on, north and west of a line extending from the CO-NE line southwesterly along Interstate Hwy 80S to Denver, CO, then southerly along U.S. Hwy 87 to Colorado Springs, CO, then

southwesterly along CO Hwy 115 to its junction with U.S. Hwy 50, then westerly along U.S. Hwy 50 to Poncha Springs, CO, then southerly along U.S. Hwy 285 to the CO-NM line only), NE (points on and north of a line extending from the NE-IA line westerly along U.S. Hwy 20 to its junction with NE Hwy 70, then southerly and westerly along NE Hwy 70 to its junction with NE Hwy 91, then westerly along NE Hwy 91 to Dunning, NE, then westerly along NE Hwy 2 to Theford, NE, then southerly along U.S. Hwy 83 to North Platte, NE, then westerly along Interstate Hwy 80 to the NE-CO line only), NV, NM (points on, north and west of a line extending from the NM-CO line southerly along U.S. Hwy 84 to its junction with NM Hwy 96, then westerly and southerly along NM Hwy 96 to Cuba, NM, then westerly along NM Hwy 44 to Counselor, NM, then southerly along NM Hwy 509 to its junction with NM Hwy 53, then southerly along NM Hwy 53 to its junction with U.S. Hwy 66, then westerly along U.S. Hwy 66 to the NM-AZ line only), ND, SD, UT and WY.

(21) Between points in Ohio on and east of U.S. Hwy 23 extending southerly from U.S. Hwy 20 to Columbus, OH, on and north of U.S. Hwy 40 extending easterly to Bridgeport, OH, and south of U.S. Hwy 250 extending northwesterly to Norwalk, OH, and south of U.S. Hwy 20 extending westerly to its junction with U.S. Hwy 23, on the one hand, and, on the other hand, points in AZ, CA, CO (points on, north and west of a line extending from the CO-KS line westerly along U.S. Hwy 24 to Colorado Springs, CO, then southerly along U.S. Hwy 85 to Walsenburg, CO, then westerly along U.S. Hwy 160 to Alamosa, CO, then southerly along U.S. Hwy 285 to the CO-NM line only), NE (points on, north and west of a line extending from the NE-IA line westerly along U.S. Hwy 20 to its junction with U.S. Hwy 81, then southerly along U.S. Hwy 81 to Columbus, NE, then westerly along U.S. Hwy 30 to Grand Island, NE, then southerly and westerly along U.S. Hwy 34 to McCook, NE, then southerly along U.S. Hwy 83 to the NE-KS line only), NV, NM (points on and west of a line extending from the NM-CO line southerly along U.S. Hwy 285 to Santa Fe, NM, then southerly along U.S. Hwy 85 to the NM-TX line only), ND, SD, TX (points in El Paso County, only), UT, and WY.

(22) Between points in OH on and north of a line extending from the OH-MI line southerly along U.S. Hwy 23 to its junction with U.S. Hwy 20, then easterly along U.S. Hwy 20 to Norwalk, OH, then southeasterly along U.S. Hwy 250 to the OH-WV line, not including the commercial zones of Toledo and Cleveland, OH, on the one hand, and, on the other hand,

points in AZ, CA, CO (points on, north and west of a line extending from the CO-KS line westerly along CO Hwy 96 to Ordway, CO, then southerly along CO Hwy 71 to Rocky Ford, CO, then southeasterly along U.S. Hwy 50 to La Junta, CO, then southwesterly along U.S. Hwy 350 to Trinidad, CO, then southerly along U.S. Hwy 85 to the CO-NM line only), KS (points on, north and west of a line extending from the KS-NE line southwesterly along U.S. Hwy 383 to Oakley, KS, then westerly along U.S. Hwy 40 to Sharon Springs, KS, then southerly along KS Hwy 27 to Tribune, KS, then westerly along KS Hwy 96 to the KS-CO line only), NE (points on, north and west of a line extending from the NE-IA line westerly along NE Hwy 51 to Wisner, NE, then westerly along U.S. Hwy 275 to Norfolk, NE, then southerly along U.S. Hwy 81 to Columbus, NE, then westerly along U.S. Hwy 30 to Grand Island, NE, then southerly along U.S. Hwy 281 to the NE-KS line only), NV, NM (points on and west of a line extending from the NM-CO line southerly along U.S. Hwy 85 to Ribera, NM, then southerly along NM Hwy 3 to Duran, NM, then southerly along U.S. Hwy 54 to the NM-TX line only), ND, SD, TX (points in El Paso County only), UT and WY.

(23) Between points in the Toledo, OH commercial zone, on the one hand, and, on the other hand, points in AZ, CA, CO, KS (points on, north and west of a line extending from the KS-NE line southerly along U.S. Hwy 81 to its junction with U.S. Hwy 24, then westerly along U.S. Hwy 24 to Hill City, KS, then southerly along U.S. Hwy 283 to Minneola, KS, then southwesterly along U.S. Hwy 54 to the KS-OK line only), NE (points on, north and west of a line extending from the NE-IA line westerly along NE Hwy 51 to Wisner, NE, then westerly along U.S. Hwy 275 to Norfolk, NE, then southerly along U.S. Hwy 81 to the NE-KS line only), NV, NM, ND, OK (points on and west of U.S. Hwy 83 only), SD, TX (points on and west of a line extending from the TX-OK line southerly along TX Hwy 207 to Post, TX, thence southerly along TX Hwy 669 to Big Spring, TX, thence southeasterly along U.S. Hwy 87 to San Angelo, TX, then southerly along U.S. Hwy 277 to the TX-Mexico line only), UT and WY.

(24) Between points in the Cleveland, OH commercial zone, on the one hand, and, on the other hand, points in AZ, CA, CO, KS (points on and west of a line extending from the KS-NE line southerly along U.S. Hwy 77 to Florence, KS, then southwesterly along U.S. Hwy 50 to its junction with KS Hwy 89, then southerly along KS Hwy 89 to its junction with KS Hwy 96, then southeasterly along KS Hwy 96 to the commercial zone of Wichita,

KS, then from the commercial zone of Wichita, KS, southwesterly along KS Hwy 2 to the KS-OK line only), NE (except those in Nemaha, Johnson, Pawnee and Richardson Counties), NV, NM, ND, OK (points on and west of a line extending from the OK-KS line southerly along OK Hwy 34 to Woodward, OK, then southwesterly along OK Hwy 15 to Shattuck, OK, then southerly along U.S. Hwy 283 to its junction with U.S. Hwy 60, then westerly along U.S. Hwy 60 to the OK-TX line only), SD, TX (points on and west of a line extending from the TX-OK line southwesterly along U.S. Hwy 60 to Panhandle, TX, then southerly along TX Hwy 207 to Post, TX, then southerly along TX Hwy 669 to Big Spring, TX, then southeasterly along U.S. Hwy 87 to San Angelo, TX, then southerly, along U.S. Hwy 277 to its junction with TX Hwy 55, then southeasterly along TX Hwy 55 to Uvalde, TX, then southerly along U.S. Hwy 83 to the TX line at Laredo, TX only), UT and WY.

Between points in SD that lie east of U.S. Hwy 83, and west of U.S. Hwy 81, on the one hand, and on the other hand, points in AL (points on and east of a line extending northerly from the AL-FL line along U.S. Hwy 231 to Montgomery, AL then northwesterly along U.S. Hwy 82 to the AL-MS line only), CT, DE, DC, FL (points on and east of Interstate Hwy 75 extending northerly from St. Petersburg, FL to Ocala, FL, then northwesterly along U.S. Hwy 27 to the FL-GA line only), GA, IL (points on and east of U.S. Hwy 51 extending northerly from the IL-KY line to Bloomington, IL, then northwesterly along Interstate Hwy 74 to the IL-IA line only), IN, KY, ME, MD, MA, MI (points in the lower peninsula only), MN, MS (points on and north of a line beginning at the MS-AL line extending westerly along U.S. Hwy 82 to Columbus, MS, then northerly along U.S. Hwy. 45 to Tupelo, MS, then northwesterly along U.S. Hwy 78 to the MS-TN line only), NH, NJ, NY, NC, OH, PA, RI, SC, TN (points on and east of U.S. Hwy 51 in TN only), VT, VA and WV.

(26) Between points in SD on and east of U.S. Hwy 81, except Union County, SD, on the one hand, and, on the other hand, points in AL (points on and east of a line extending northerly from the AL-FL line along U.S. Hwy 231 to Montgomery, AL then northwesterly along U.S. Hwy 82 to the AL-MS line only), AZ, CA, CT, DE, DC, FL (points on and east of Interstate Hwy 75 extending northerly from St. Petersburg, FL to Ocala, FL, then northwesterly along U.S. Hwy 27 to the FL-GA line only), GA, IL (points on and east of U.S. Hwy 51, extending northerly from the IL-KY line to Bloomington, IL, then northwesterly along Interstate Hwy 74 to

the IL-IA line only), IN, KY, ME, MD, MA, MI (points in the lower peninsula only), MS (points on and north of a line beginning at the MS-AL line extending westerly along U.S. Hwy 82 to Columbus, MS; then northerly along U.S. Hwy 45 to Tupelo, MS, then northwesterly along U.S. Hwy 78 to the MS-TN line only), MT (points on and west of a line extending northerly from the MT-WY line along U.S. Hwy 87 to its junction with MT Hwy 19, then northerly along MT Hwy 19 to its junction with U.S. Hwy 191, then northerly along U.S. Hwy 191 to its junction with MT Hwy 242 at Malta, MT, then northerly along MT Hwy 242 to the MT-Canadian line only), NV, NH, NJ, NY, NC, OH, PA, RI, SC, TN (points on and east of U.S. Hwy 51 only), UT, VT, VA, WV, and WY (points on and west of a line extending northerly from the WY-CO line along WY Hwy 789 to Creston, WY, then easterly along Interstate Hwy 80 to the Rawlins, WY, then northerly along U.S. Hwy 287 to Muddy Gap, WY, then northeasterly along WY Hwy 220 to Casper, WY, then northerly along U.S. Hwy 87 to the MT-WY line only).

(27) Between points in SD on and west of U.S. Hwy 83, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, KS (points on and east of U.S. Hwy 75 extending northerly from the KS-OK line to Topeka, KS, then easterly along Interstate 70 to the KS-MO line only), KY, LA, ME, MD, MA, MI (points in the lower peninsula only), MN, MS, MO (except points in the counties of Andrew, Atchison, Gentry, Harrison, Holt, Nodaway, and Worth), NH, NJ, NY, NC, OH, OK (points on and east of the Indian Nation Turnpike extending northerly from the OK-TX line to McAlester, OK, then northerly along U.S. Highway 75 to the OK-KS line only), PA, RI, SC, TN, TX (points on and east of Interstate Hwy 45 extending northerly from Galveston, TX to Buffalo, TX, then northeasterly along U.S. Hwy 79 to Jacksonville, TX, then northerly along U.S. Hwy 69 to Tyler, TX, then northerly along U.S. Hwy 271 to the TX-OK line only), VT, VA, and WV.

(28) Between points in SD located within Union County, on the one hand, and, on the other, points in AL, AR, CA, CT, DE, DC, FL, GA, IL (points on and east of a line extending southerly along U.S. Hwy 51 to its junction with U.S. Hwy 66, then southwestward along U.S. Hwy 66 to the IL-MO State line), IN, KY, LA, ME, MD, MA, MI (points in the lower peninsula only), MN, MS, MO (points on and east of U.S. Hwy 67), MT (points on and west of a line extending southerly along MT Hwy 242 to its junction with U.S. Hwy 191, then southerly along U.S. Hwy 191 to its

junction with U.S. Hwy 87, then southerly along U.S. Hwy 87 to the MT-WY State line), NV, NH, NJ, NM (points on and west of a line extending southerly along Interstate Hwy 25 to its junction with U.S. Hwy 285, then southerly along U.S. Hwy 285 to its junction with U.S. Hwy 62, then easterly along U.S. Hwy 62 to the NM-TX State line), NY, NC, OH, PA, RI, SC, TN, TX (points on and south of a line extending easterly along U.S. Hwy 180 to its junction with U.S. Hwy 87, then southeasterly along U.S. Hwy 87 to its junction with Interstate Highway 20, then easterly along Interstate Hwy 20 to the LA-TX State line), UT, VT, VA and WV.

(29) Between points in SD on, east and north of a line extending southerly from the ND-SD line extending southerly along Interstate Hwy 29 to its junction with U.S. Hwy 16, then easterly along U.S. Hwy 16 to its junction with SD Hwy 38, then easterly along SD Hwy 38 to the SD-IA line, on the one hand, and, on the other hand, points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI (points in the lower peninsula only), MN, MS, MO, MT, NE (points on, south and west of a line extending southerly from the SD-NE line along U.S. Hwy 281 to its junction with U.S. Hwy 275, then easterly along U.S. Hwy 275 to its junction with NE Hwy 51, then easterly along NE Hwy 51 to the NE-IA line only), NV, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, UT, VT, VA, WV and WY.

(30) Between points in SD east of U.S. Hwy 83 that are on and north of U.S. Hwy 16, on the one hand, and, on the other hand, points in AL (points west of a line extending northerly from the AL-FL line along U.S. Hwy 231 to Montgomery, AL, then northwesterly along U.S. Hwy 82 to the AL-MS line only), AR, FL (points west of Interstate Hwy 75 extending northerly from St. Petersburg, FL, to Ocala, FL, then northwesterly along U.S. Hwy 27 to the FL-GA line only), IL (points west of U.S. Hwy 51 extending northerly from the IL-KY line to Bloomington, IL, then northwesterly along Interstate Hwy 74 to the IL-IA line only), KS (points on and east of a line extending southerly from the KS-NE line along U.S. Hwy 77 to its junction with Interstate Hwy 35, then southwestward along Interstate Hwy 35 to the Commercial Zone of Wichita, KS, then southerly from the Wichita, KS, Commercial Zone along Interstate Hwy 35 to the KS-OK line only), LA, MS (points south of a line extending northerly along U.S. Hwy 82 to Columbus MS, then northerly along U.S. Hwy 45 to Tupelo, MS, then northwesterly along U.S. Hwy 78 to the MS-TN line only), MO, NE (points on and east of a line extending northerly along U.S.

Hwy 77 to its junction with Interstate Hwy 80, then northeasterly along Interstate Hwy 80 to the NE-IA line only), OK (points on and east of a line extending southerly along Interstate Hwy 35 to Oklahoma City, OK, then southwestward along the Bailey Turnpike to the OK-TX line only), TN (points west of U.S. Hwy 51), TX (points on and east of U.S. Hwy 277 only).

(31) Between points in WI that are on and west of U.S. Hwy 53 that are on and north of U.S. Hwy 10, on the one hand, and, on the other hand, points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI (points in the lower peninsula of MI that lie on and south of MI Hwy 55 only), MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, UT, VT, VA, WV and WY.

(32) Between points in WI on and west of U.S. Hwy 51 that are on and north of U.S. Hwy 10 and east of U.S. Hwy 53, on the one hand, and, on the other hand, points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, KS, LA, ME, MD, MA, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OK, PA, RI, SC, TN, TX, UT, VT, VA, WV, and WY.

(33) Between points in WI east of U.S. Hwy 51 that are on and north of U.S. Hwy 10, on the one hand, and, on the other hand, points in AZ, AR (points on and west of a line beginning at the AR-LA line northerly along U.S. Hwy 167 to Little Rock, AR, then northerly along U.S. Hwy 65 to the AR-MO line only), CA, CO, KS, LA (points on and west of U.S. Hwy 23 beginning at the Gulf of Mexico extending westerly to New Orleans, LA, then westerly along U.S. Hwy 81 to Baton Rouge, LA, then northerly along U.S. Hwy 190 to its junction with U.S. Hwy 71 to Alexandria, LA, then northerly along U.S. Hwy 167 to the LA-AR line only), MO (points on and west of U.S. Hwy 65 only), MT, NE, NV, NM, OK, TX, UT and WY.

(34) Between points in WI on and west of U.S. Hwy 51 that are south of U.S. Hwy 16, on the one hand, and, on the other hand, points in AZ, CA, CO (points on and west of U.S. Hwy 85 only), MT, NV, NM (points on and west of U.S. Hwy 85 only), UT and WY.

(35) Between points in WI that lie south of U.S. Hwy 10 and west of U.S. Hwy 51 and on and north of U.S. Hwy 16, on the one hand, and, on the other hand, points in AL, AZ, AR (points on and south of Interstate Hwy 40 only), CA, CO, CT, DE, DC, FL, GA, KS, LA, ME, MD (points on and east of Interstate Hwy 81 only), MA, MS, MT, NE, NV, NH, NJ, NM, NY (points on and east of Interstate Hwy 81 only), NC, OK, PA (points on and east of Interstate Hwy 81 only), RI, SC, TX, UT, VT, VA (points on and east of U.S. Hwy 19) and WY.

(36) Between points in WI east of U.S. Hwy 51 that are south of U.S. Hwy 10, except Milwaukee, WI, on the one hand, and, on the other hand, points in AZ, CA, CO, MT, NE (points west of U.S. Hwy 83 that are on and north of Interstate Hwy 80 only), NV, NM, UT and WY.

(37) Between Milwaukee, WI and its Commercial Zone, on the one hand, and, on the other hand, points in AZ, CA, CO, KS, MT, NE, NV, NM, OK, TX, UT and WY.

(38) Between points in WI that are located on and west of U.S. Hwy 53 that are on and south of U.S. Hwy 10, on the one hand, and, on the other hand, points in the United States (except points in ND, SD, IA, WI, the upper peninsula of MI, WA, OR, ID, and that part of IL north of a line extending southerly from the WI-IL line along U.S. Hwy 20 to its junction with I State Hwy 84, then southerly along IL Hwy 84 to its junction with IL Hwy 64, then easterly along IL Hwy 64 to Lake Michigan only). The purpose of this filing is to eliminate the gateways of any point in MN.

No. MC 108119 (Sub-No. E43), Filed July 11, 1976. Applicant: E. O. MURPHY TRUCKING CO., P.O. Box 3810, St. Paul, MN 55165. Applicant's representative: Mark E. Moser (same as above). *Metal and Metal* articles, which because of size or weight require special handling or the use of special equipment, and *related parts, materials, and supplies* when their transportation is incidental to the transportation by carrier of commodities which, by reason of size or weight, require special handling or the use of special equipment. Restriction: The operations to or from the states of AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, KS, KY, LA, ME, MD, MA, MS, NE, NV, NH, NJ, NM, NY, NC, OK, PA, RI, SC, TN, TX, UT, VT, VA, WV and WY, are restricted against the transportation of farm machinery.

Between points in AZ, on the one hand, and, on the other hand, points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA (points on and east of a line extending southerly from the VA-WV line along Interstate Hwy 250 to Richmond, VA, then southerly along U.S. Hwy 301 to its junction with U.S. Hwy 460, then southeasterly along U.S. Hwy 460 to Suffolk, VA, then southerly along VA Hwy 32 to the VA-NC line, but not including the commercial zones of Fredericksburg, Newport News and Norfolk, only), and WV (points on and east of U.S. Hwy 250 only).

(2) Between points in CA that are in and north of the Counties of Placer, Sutter, Yolo, Napa, and Sonoma, on the one hand, and, on the other hand, points in AL, AR (points that are on, north and east of a line extending easterly along U.S. Hwy 64 to its junction

with U.S. Hwy 71, then easterly along U.S. Hwy 71 to its junction with AR Hwy 10, then easterly along AR Hwy 10 to its junction with AR Hwy 7, then southerly along AR Hwy 7 to the AR-LA line), CT, DE, DC, FL, GA, IL, IN, IA, KS (points that are on and east of U.S. Hwy 75), KY, LA, (points that are on and east of a line extending southerly along U.S. Hwy 167 to its junction with U.S. Hwy 84, then easterly along U.S. Hwy 84 to the LA-MS state line, and that part of LA extending southerly from the LA-MS state line along U.S. Hwy 61 to its end near New Orleans, LA), ME, MD, MA, MI, MN, MS, MO, NE (points that are on and east of a line extending southerly along NE Hwy 12 to its junction with U.S. Hwy 281, then southerly along U.S. Hwy 281 to its junction with U.S. Hwy 275, then southerly along U.S. Hwy 275 to its junction with NE Hwy 14, then southerly along NE Hwy 14 to its junction with NE Hwy 39, then southerly along NE Hwy 39 to its junction with NE Hwy 92, then easterly along NE Hwy 92 to its junction with U.S. Hwy 81, then southerly along U.S. Hwy 81 to its junction with Interstate Hwy 80, then easterly along Interstate Hwy 80 to its junction with U.S. Hwy 77, then southerly along U.S. Hwy 77 to the KS-NE state line), NH, NJ, NY, NC, ND (points on and east of ND Hwy 3), OH, PA, RI, SC, SD, (points in SD that are on and east of SD Hwy 47), TN, VT, VA, WV and WI.

(3) Between points in CA within the Counties of Marin, Solano, Sacramento, San Joaquin, Contra Costa, Alameda, San Mateo, San Francisco and Santa Cruz, on the one hand, and, on the other, points in AL, AR (points on, north and east of a line extending easterly along AR Hwy 10 to its junction with AR Hwy 7, then southerly along AR Hwy 7 to its junction with U.S. Hwy 270, then easterly along U.S. Hwy 270 to its junction with U.S. Hwy 65, then southerly along U.S. Hwy 65 to the AR-LA state line), CT, DE, DC, FL, GA, IL, IN, IA, KS, (points that are on and east of a line extending southerly along U.S. Hwy 77 to its junction with KS Hwy 57, then southerly along KS Hwy 57 to its junction with U.S. Hwy 50, then easterly along U.S. Hwy 50 to its junction with U.S. Hwy 75, then southerly along U.S. Hwy 75 to its junction with KS Hwy 39, then easterly along KS Hwy 39 to its junction with U.S. Hwy 59, then southerly along U.S. Hwy 59 to its junction with U.S. Hwy 166, then easterly along U.S. Hwy 166 to the KS-MO line), KY, LA (points on and east of a line extending southerly along U.S. Hwy 51 to its junction with U.S. Hwy 61, then easterly along U.S. Hwy 61 to its end near New Orleans, LA), ME, MD, MA, MI, MN, MS (points that are on and east of a line extending southerly from Vicksburg, MS

along U.S. Hwy 61 to its junction with MS Hwy 28, then easterly along MS Hwy 28 to its junction with MS Hwy 550, then easterly along MS Hwy 550 to its junction with Interstate Hwy 55, then southerly along Interstate Hwy 55 to the MS-LA line), MO, NE (points on and east of a line extending southerly along NE Hwy 12 to its junction with U.S. Hwy 281, then southerly along U.S. Hwy 281 to its junction with U.S. Hwy 275, then southeasterly along U.S. Hwy 275 to its junction with NE Hwy 14, then southerly along NE Hwy 14 to its junction with NE Hwy 39, then southerly along NE Hwy 39 to its junction with NE Hwy 92, then easterly along NE Hwy 92 to its junction with NE Hwy 15, then southerly along NE Hwy 15 to its junction with Interstate Hwy 80, then easterly along Interstate Hwy 80 to its junction with U.S. Hwy 77, then southerly along U.S. Hwy 77 to the KS-NE state line), NH, NJ, NY, NC, ND (points that are on and east of ND Hwy 3), OH, PA, RI, SC, SD (points that are on and east of SD Hwy 47), TN, VT, VA, WV and WI.

(4) Between points in California within the Counties of Stanislaus, Merced, San Benito, Monterey, and Santa Clara, on the one hand, and, on the other, points in AL (points that are on and north of a line extending easterly along U.S. Hwy 78 to its junction with U.S. Hwy 280, then southeasterly along U.S. Hwy 280 to the AL-GA line), CT, DE, DC, FL (points that are on and north and east of a line extending southerly along U.S. Hwy 19 to its junction with FL Hwy 361, then southerly along FL Hwy 361 to its end at the Gulf of Mexico near Keaton Beach, FL), GA (points that are on, north and east of a line extending southeasterly along U.S. Hwy 280 to its junction with GA Hwy 55, then southeasterly along GA Hwy 55 to its junction with U.S. Hwy 82, then southerly along U.S. Hwy 82 to its junction with U.S. Hwy 19, then southerly along U.S. Hwy 19 to the FL-GA State line), IL, IN, IA, KS (points that are on and east of a line extending southerly along U.S. Hwy 81 to its junction with U.S. Hwy 36, then easterly along U.S. Hwy 36 to its junction with U.S. Hwy 77, then along U.S. Hwy 77 to its junction with U.S. Hwy 24, then easterly along U.S. Hwy 24 to the KS-MO State line), KY, ME, MD, MA, MI, MN, MO (points that are on and north of a line extending easterly along U.S. Hwy 50 to its junction with U.S. Hwy 65, then southerly along U.S. Hwy 65 to its junction with MO Hwy 52, then easterly along MO Hwy 52 to its junction with MO Hwy 17, then southerly along MO Hwy 17 to its junction with Interstate Hwy 44, then easterly along Interstate Hwy 44 to its junction with MO Hwy 72, then southerly along MO Hwy 72 to its

junction with MO Hwy 21, then southerly along MO Hwy 21 to the AR-MO line), NE (points on and east of a line extending southerly along U.S. Hwy 83 to its junction with U.S. Hwy 20, then easterly along U.S. Hwy 20 to its junction with U.S. Hwy 275, then southeasterly along U.S. Hwy 275 to its junction with U.S. Hwy 81, then southerly along U.S. Hwy 81 to the KS-NE State line), NH, NJ, NY, NC, ND (points that are on and east of a line beginning at the ND-Canadian line extending southerly along ND Hwy 14 to its junction with U.S. Hwy 83, then southerly along U.S. Hwy 83 to the ND-SD State line), OH, PA, RI, SC, SD (points that are on and east of a line extending southerly along U.S. Hwy 83 to its junction with Interstate Hwy 90, then easterly along Interstate Hwy 90 to its junction with U.S. Hwy 183, then southerly along U.S. Hwy 183 to the NE-SD State line), TN (points that are on, north and east of a line extending easterly along TN Hwy 20 to its junction with U.S. Hwy 45, then southerly along U.S. Hwy 45 to the MS-TN State line), VT, VA, WV and WI.

(5) Between points in CA within the Counties of San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, that part of San Bernardino County that is on and west of U.S. Hwy 395 and that part of Riverside County that is on and west of U.S. Hwy 395, on the one hand, and, on the other, points in CT, DE, DC, IL (points that are on and north of U.S. Hwy 460), IN (points that are on and north of a line extending easterly along U.S. Hwy 460 to its junction with U.S. Hwy 41, then southerly along U.S. Hwy 41 to the IN-KY State line), IA, KY (points that are on and east of a line extending southerly along the Green River Parkway to its junction with U.S. Hwy 68, then easterly along U.S. Hwy 68 to its junction with KY Hwy 80, then easterly along KY Hwy 80 to its junction with U.S. Hwy 127, then southerly along U.S. Hwy 127 to the KY-TN State line), ME, MD, MA, MI, MN, MO (points that are on, north and east of a line extending easterly along U.S. Hwy 36 to its junction with U.S. Hwy 61, then southerly along U.S. Hwy 61 to its junction with Interstate Hwy 70, then easterly along Interstate Hwy 70 to the IL-MO State line), NE (points that are on and east of a line extending southerly along U.S. Hwy 81 to its junction with U.S. Hwy 30, then easterly along U.S. Hwy 30 to its junction with U.S. Hwy 77, then southerly along U.S. Hwy 77 to its junction with NE Hwy 2, then easterly along NE Hwy 2 to the MO-NE State line), NH, NJ, NY, NC, ND (points on and east of ND Hwy 3), OH, PA, RI, SC (points that are on and north of Interstate Hwy 26), SD (points on and east of a

line extending southerly along SD Hwy 45 to its junction with SD Hwy 50, then southeasterly along SD Hwy 50 to its junction with U.S. Hwy 81, then southerly along U.S. Hwy 81 to the NE-SD State line), TN (points on, east and north of a line extending southerly along U.S. Hwy 127 to its junction with Interstate Hwy 40, then easterly along Interstate Hwy 40 to its junction with U.S. Hwy 129, then southerly along U.S. Hwy 129 to the NC-TN State line), VT, VA, WV, and WI.

(6) Between points in CA that are within the Counties of El Dorado, Amador, Alpine, Calaveras, Tuolumne, Mariposa, Madera, Fresno, Kings, Tulare and Kern, on the one hand, and, on the other, points in CT, DE, DC, IL (points that are on and north of a line extending westerly along IL Hwy 13 to its junction with IL Hwy 149, then westerly along IL Hwy 149 to its junction with IL Hwy 3, then westerly along IL Hwy 3 to its junction with IL Hwy 150, then southerly along IL Hwy 150 to its end near Chester, IL on the IL-MO State line), IN, IA, KY (points that are on and east of a line extending northerly along U.S. Hwy 127 to its junction with KY Hwy 90, then westerly along KY Hwy 90 to its junction with U.S. Hwy 68, then westerly along U.S. Hwy 68 to its junction with the Green River Parkway, then northerly along the Green River Parkway to the IN-KY State line), ME, MD, MA, MI, MN, MO (points that are on and north of a line extending westerly along MO Hwy 51 to its junction with Interstate Hwy 55, then northerly along Interstate Hwy 55 to its junction with Interstate Hwy 244, then northwesterly along Interstate Hwy 244 to its junction with U.S. Hwy 40, then westerly along U.S. Hwy 40 to its junction with MO Hwy 19, then northerly along MO Hwy 19 to its junction with MO Hwy 22, then westerly along MO Hwy 22 to its junction with U.S. Hwy 63, then northerly along U.S. Hwy 63 to its junction with U.S. Hwy 36, then westerly along U.S. Hwy 36 to its junction with U.S. Hwy 65, then northerly along U.S. Hwy 65 to the IA-MO State line), NE (points that are on, north and east of a line extending westerly along NE Hwy 2 to its junction with U.S. Hwy 77, then northerly along U.S. Hwy 77 to its junction with NE Hwy 92, then westerly along NE Hwy 92 to its junction with U.S. Hwy 81, then northerly along U.S. Hwy 81 to its junction with U.S. Hwy 275, then northwesterly along U.S. Hwy 275 to its junction with U.S. Hwy 20, then northerly along U.S. Hwy 20 to its junction with U.S. Hwy 281, then northerly along U.S. Hwy 281 to the NE-SD State line), NH, NJ, NY, NC (points that are on and east of U.S. Hwy 25), ND (points that are on and east of ND

Hwy 3), OH, PA, RI, SC, (points that are on and east of a line extending northerly along Interstate Hwy 26 to the NC-SC State line), SD (points that are on and east of SD Hwy 47), TN (points that are on and north of a line extending westerly along U.S. Hwy 25 to its junction with Interstate Hwy 40, then westerly along Interstate Hwy 40 to its junction with U.S. Hwy 127, then northerly along U.S. Hwy 127 to the KY-TN State line), VT, VA, WV and WI.

(7) Between points in CA that are within the Counties of Mono, Inyo, Imperial and points in San Bernardino County that are east of U.S. Hwy 395 and points in Riverside County that are east of U.S. Hwy 395, on the one hand, and on the other, points in CT, DE, DC, IL (points on, north and east of a line extending easterly along U.S. Hwy 136 to its junction with Hwy 67, then southerly along U.S. Hwy 67 to its junction with IL Hwy 125, then southeasterly along IL Hwy 125 to its junction with U.S. Hwy 36, then easterly along U.S. Hwy 36 to the IL-IN State line), IN (points on, north and east of a line extending easterly along U.S. Hwy 40 to its junction with IN Hwy 46, then easterly along IN Hwy 46 to its junction with Interstate Hwy 65, then southerly along Interstate Hwy 65 to the IN-KY State line), IA (points on and north of a line extending easterly along U.S. Hwy 34 to its junction with U.S. Hwy 65, then southerly along U.S. Hwy 65 to the IA-MO State line), KY (points on and north of a line extending easterly along Interstate Hwy 64 to its junction with the Mountain Parkway, then easterly along the Mountain Parkway to its junction with U.S. Hwy 460 near Salyersville, KY, then southeasterly along U.S. Hwy 460 to the KY-VA State line), ME, MD, MA, MI, MN, NE (points on and east of a line extending southerly along U.S. Hwy 281 to its junction with U.S. Hwy 275, then southeasterly along U.S. Hwy 275 to its junction with U.S. Hwy 75, then southerly along U.S. Hwy 75 to its junction with NE Hwy 2, then easterly along NE Hwy 2 to the IA-NE State line), NH, NJ, NY, NC (points on and east of a line extending southerly along U.S. Hwy 52 to its junction with U.S. Hwy 421, then southeasterly along U.S. Hwy 421 to its end near Wilmington, NC), ND (points that are on and east of ND Hwy 3), OH, PA, RI, SD (points that are on and east of a line extending southerly along SD Hwy 45 to its junction with SD Hwy 44, then easterly along SD Hwy 44 to its junction with SD Hwy 50, then southerly along SD Hwy 50 to its junction with U.S. Hwy 281, then southerly along U.S. Hwy 281 to the NE-SD State line), VT, VA (points that are on and east of U.S. Hwy 52), WV and WI.

(8) Between points in the County of San Diego, on the one hand, and, on

the other, points in CT, DE, DC, IL (points that are on and north of a line extending easterly along U.S. Hwy 24 to its junction with U.S. Hwy 67, then easterly along U.S. Hwy 67 to its junction with IL Hwy 125, then easterly along IL Hwy 125 to its junction with U.S. Hwy 36, then easterly along U.S. Hwy 36 to the IL-IN State line), IN (points that are on and north of a line extending easterly along Interstate Hwy 70 to its junction with IN Hwy 46, then easterly along IN Hwy 46 to its junction with Interstate Hwy 65, then southerly along Interstate Hwy 65 to the IN-KY State line), IA, KY (points that are on and north of a line extending along Interstate Hwy 64 to its junction with U.S. Hwy 25, then southerly along U.S. Hwy 25 to its junction with U.S. Hwy 25E, then southerly along U.S. Hwy 25E to the KY-TN State line), ME, MD, MA, MI, MN, MO (points on, east and north of a line extending southerly along U.S. Hwy 63 to its junction with MO Hwy 6, then easterly along MO Hwy 6 to the IL-MO State line), NE (points on and east of a line extending southerly along U.S. Hwy 281 to its junction with U.S. Hwy 275, then southerly along U.S. Hwy 275 to its junction with U.S. Hwy 75, then southerly along U.S. Hwy 75 to its junction with NE Hwy 2, then easterly along NE Hwy 2 to the NE-IA State line), NH, NJ, NY, NC (points on and east of a line extending southerly along U.S. Hwy 52 to its junction with U.S. Hwy 421, then southeasterly along U.S. Hwy 421 to its end near Wilmington, NC), ND (points on and east of a line extending southerly along ND Hwy 3 to its junction with Interstate Hwy 94, then westerly along Interstate Hwy 94 to its junction with U.S. Hwy 83, then southerly along U.S. Hwy 83 to the ND-SD State line), OH, PA, RI, SD (points on and east of a line extending southerly along U.S. Hwy 83 to its junction with U.S. Hwy 16, then easterly along U.S. Hwy 16 to its junction with U.S. Hwy 183, then southerly along U.S. Hwy 183 to its junction with U.S. Hwy 18, then southwesterly along U.S. Hwy 18 to its junction with U.S. Hwy 281, then southerly along U.S. Hwy 281 to the NE-SD State line), VT, VA, WV, and WI.

(9) Between points in CA within the Commercial Zones of Los Angeles, Altadena, Sierra Madre, Arcadia, San Gabriel, Rosemead, El Monte, South El Monte, Monterey Park, Montebello, Whittier, Pico Rivera, Industry, Santa Fe Springs, Norwalk, Downey, Hollywood, Paramount, Bellflower, Lakeview, Hawaiian Gardens, Cypress, Los Alamitos, Rossmore and Seal Beach, on the one hand, and, on the other, points in CT, DE, DC, IL (points on and north of a line extending easterly along IL Hwy 150 to its junction with IL Hwy 3, then easterly along IL Hwy

3 to its junction with IL Hwy 149, then easterly along IL Hwy 149 to its junction with IL Hwy 13, then easterly along IL Hwy 13 to the IL-IN State line), IN, IA, KS (points that are within the St. Joseph, MO Commercial Zone), KY (points on and east of a line extending southerly along U.S. Hwy 41 to its junction with U.S. Hwy 68, then easterly along U.S. Hwy 68 to its junction with KY Hwy 90, then southeasterly along KY Hwy 90 to its junction with U.S. Hwy 127, then southerly along U.S. Hwy 127 to the KY-TN State line), ME, MD, MA, MI, MN, MO (points on and north of a line extending easterly along U.S. Hwy 36 to its junction with U.S. Hwy 61, then southerly along U.S. Hwy 61 to its junction with MO Hwy 51, then easterly along MO Hwy 51 to the IL-MO State line), NE (points on and west of a line extending southerly along U.S. Hwy 183 to its junction with U.S. Hwy 20, then easterly along U.S. Hwy 20 to its junction with NE Hwy 14, then southerly along NE Hwy 14 to its junction with NE Hwy 39, then southerly along NE Hwy 39 to its junction with NE Hwy 92, then easterly along NE Hwy 92 to its junction with NE Hwy 15, then southerly along NE Hwy 15 to its junction with U.S. Hwy 6, then easterly along U.S. Hwy 6 to its junction with U.S. Hwy 77, then southerly along U.S. Hwy 77 to its junction with NE Hwy 2, then easterly along NE Hwy 2 to the IA-NE State line), NH, NJ, NY, NC (points on and east of U.S. Hwy 25), ND (points that are on and east of a line extending southerly along ND Hwy 14 to its junction with U.S. Hwy 83, then southerly along U.S. Hwy 83 to the ND-SD State line), OH, PA, RI, SC (points on and east of a line extending along U.S. Hwy 25 to its junction with U.S. Hwy 76, then easterly along U.S. Hwy 76 to its junction with U.S. Hwy 521, then southeasterly along U.S. Hwy 521 to its end near Georgetown, SC), SD (points on and east of a line extending southerly along U.S. Hwy 83 to its junction with U.S. Hwy 16, then easterly along U.S. Hwy 16 to its junction with U.S. Hwy 183, then southerly along U.S. Hwy 183 to the NE-SD State line), TN (points on and east of a line extending southerly along Interstate Hwy 75 to its junction with U.S. Hwy 441, then southerly along U.S. Hwy 441 to the NC-TN State line), VT, VA, WV and WI.

(10) Between points in CO, on the one hand, and, on the other hand, points in CT, DE, DC, ME, MD (points on and east of U.S. Hwy 522 only), MA, NH, NJ, NY, PA (points on and east of a line extending from Erie, PA southerly along Interstate Hwy 79 to Pittsburgh, PA, then easterly along Interstate Hwy 376 to its junction with Interstate Hwy 76, then easterly along Interstate Hwy 76 to its junction

with Interstate Hwy 70 near Hunkers, PA, then easterly along Interstate Hwy 70 to the PA-MD line only), RI, VT, VA (points on and east of a line extending southerly from the VA-WV line along U.S. Hwy 522 to Winchester, VA, then southerly along U.S. Hwy 17 to Fredericksburg, VA, then southerly along Interstate Hwy 95 to its junction with U.S. Hwy 460, then southeasterly along U.S. Hwy 460 to its junction with U.S. Hwy 258, then southwesterly along U.S. Hwy 258 to the VA-NC line, but not including the Commercial Zones of Fredericksburg, Newport News and Norfolk, only), and WV (points on and east of U.S. Hwy 522 only).

(11) Between points in MT, on the one hand, and, on the other hand, points in IL, IN, MI (points in the lower peninsula only), MO and OH.

(12) Between points in NM, on the one hand, and, on the other hand, points in CT, DE, ME, MA, NH, NJ, NY (points on and east of U.S. Hwy 15 only), PA (points on and east of a line extending southerly from the PA-NY line along U.S. Hwy 15 to Harrisburg, PA, then southerly along Interstate Hwy 83 to the PA-MD line only).

(13) Between points in ND, on the one hand, and, on the other hand, points in IA, MI (points in the upper peninsula only), and WI.

(14) Between points in SD, on the one hand, and, on the other hand, points in IA, MI (points in the upper peninsula only), and WI.

(15) Between points in UT, on the one hand, and, on the other hand, points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, NC (points on and east of a line extending southerly from the NC-VA line along U.S. Hwy 220 to its junction with U.S. Hwy 74, then southeasterly along Interstate Hwy 74 to its junction with Interstate Hwy 95, then southerly along Interstate Hwy 95 to the NC-SC line only), PA, RI, VT, VA (points on and east of a line extending southeasterly from the VA-WV line along U.S. Hwy 250 to its junction with U.S. Hwy 220, then southerly along U.S. Hwy 220 to the VA-NC line, but not including the Commercial Zones of Fredericksburg, Newport News and Norfolk, only), and WV (points on and east of U.S. Hwy 250 only).

(16) Between points in WY, on the one hand, and, on the other hand, points in AL, CT, DE, DC, FL, GA, KY (points on and east of a line extending southerly from the KY-IN line along U.S. Hwy 231 to Bowling Green, KY, then southwesterly along KY Hwy 80 to Russellville, KY, then southerly along U.S. Hwy 79 to the KY-TN line only), ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, TN (points east of a line extending southerly from the TN-KY line along U.S. Alternate Hwy 41 to Nashville, TN, then southerly along

U.S. Interstate Hwy 65 to the TN-AL line only), VT, VA (but not including the Commercial Zones of Fredericksburg, Newport News and Norfolk, only), and WV.

(17) Between the Commercial Zones of Fredericksburg, VA, Norfolk, VA and Newport News, VA, on the one hand, and, on the other hand, points in AZ, CA, CO, IA (points on, north and west of a line extending easterly from the IA-IL line along U.S. Hwy 151 to Fairview, IA, then westerly along IA Hwy 1 to Iowa City, IA, then westerly along Interstate Hwy 80 to Malcom, IA, then southerly along U.S. Hwy 63 to Oskaloosa, IA, then westerly along IA Hwy 92 to Indianola, IA, then southerly along U.S. Hwy 65 to the IA-MO line only), KS (points on, north and west of a line extending southerly from the KS-NE line only U.S. Hwy 77 to its junction with U.S. Hwy 24, then westerly along U.S. Hwy 24 to its junction with U.S. Hwy 281, then southerly along U.S. Hwy 281 to its junction with U.S. Hwy 40, then westerly along U.S. Hwy 40 to Wakeney, KS, then southerly along U.S. Hwy 283 to its junction with U.S. Hwy 54, then southwesterly along U.S. Hwy 54 to the KS-OK line only), MI (points in the upper peninsula only located on and west of a line extending from the MI-WI line northerly along U.S. Hwy 141 to its junction with U.S. Hwy 41, then northerly along U.S. Hwy 41 to Lake Superior at L'Anse, MI), MT, NE, NV, NM (points on and west of U.S. Hwy 54 only), ND, OK (points on and west of U.S. Hwy 54 only), SD, TX (points located in El Paso County only), UT and WY.

(18) Between points in NV, on the one hand, and, on the other hand, points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA (points on and east of U.S. Hwy 52, but not including the Commercial Zones of Fredericksburg, Newport News and Norfolk, only), and WV. The purpose of this filing is to eliminate the gateways of points in MN.

No. MC 114019 (Sub-No. E454) (Partial correction), filed December 20, 1976, published in the FEDERAL REGISTER issue of February 2, 1978, and republished, as corrected, this issue. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Arthur J. Sibik (same as above). *Such merchandise other than malt beverages, as is dealt in by wholesale food business houses, and equipment, materials, and supplies used in conduct of such businesses, (1) between points in WI on the one hand, and, on the other, points in IN; OH; WV; PA; NY; Baltimore and Sparrows Point, MD; and points in NJ within 30 miles of New York, NY, and points in DE, NJ, and MD within 30 miles of Philadel-*

phia, PA. The purpose of this filing is to eliminate the gateway of Chicago, IL.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter notice remains as previously published.

No. MC 114019 (Sub-No. E466) (Partial correction), filed December 20, 1976, published in the FEDERAL REGISTER issue of February 15, 1978, and republished, as corrected, this issue. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Arthur J. Sibik (same as above). *Such foodstuffs as is dealt in by wholesale food business houses, (F) between points in Dane, Columbia, Dodge, Fond du Lac, Marquette, and Green Lake Counties, WI, and points in that part of WI on and west of U.S. Hwy 45 beginning at Fond du Lac and extending to the WI-MI State line and on and east of WI Hwy 13 beginning at the Wisconsin Dells and extending to the WI-MN State line, and points in and north of Columbia, and Dodge Counties, WI, on the one hand, and, on the other, points in that part of IL on and south of a line beginning at Lake Michigan and extending west along IL Hwy 68 to its junction with IL Hwy 53, then south along IL Hwy 53 to its junction with U.S. Hwy 66, then south along U.S. Hwy 66 to its junction with U.S. Hwy 36, then west along U.S. Hwy 36 to the Mississippi River. The purpose of this filing is to eliminate the gateways of Chicago and Lansing, IL.*

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter notice remains as previously published.

No. MC 114019 (Sub-No. E480) (Partial correction), filed December 20, 1976, published in the FEDERAL REGISTER issue of February 2, 1978, and republished, as corrected, this issue. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Arthur J. Sibik (same as above). (3) *Structural, architectural and ornamental iron, steel and metal work, from points in Cook County, IL, and Lake County, IN, to points in WI within the area bounded on the east by U.S. Hwy 45, on the north by WI Hwy 80, on the west by U.S. Hwy 12 and WI Hwy 69, and on the south by WI-IL State line and to points in IA on, north and west of a line beginning at the Mississippi River and extending west on U.S. Hwy 18 to junction U.S. Hwy 69, then south along U.S. Hwy 69 to junction U.S. Hwy 20, then west on U.S. Hwy 20 to junction U.S. Hwy 71, then south along U.S. Hwy 71 to junction IA Hwy 175, then west on IA Hwy*

175 to the Missouri River. The purpose of this filing is to eliminate the gateways of Milwaukee, WI, and Waukegan, IL.

NOTE.—The purpose of this partial correction is to include Part (3). The remainder of this filing is to remain as previously published.

No. MC 114552 (Sub-No. E150) (Correction), filed August 25, 1975, published in the FEDERAL REGISTER issue of March 15, 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., 3426 North Washington Boulevard, Arlington, VA 22210. *Composition board, except commodities in bulk, from points in NC, on and east of a line beginning at the Atlantic Ocean, then extending along U.S. Hwy 64 to junction U.S. Hwy 401, then along U.S. Hwy 401 to junction U.S. Hwy 301, then extending along U.S. Hwy 301 to the NC-SC State line, to points in WI, to those points in IA, on and west of a line beginning at the IA-MO State line, then extending along U.S. Hwy 63 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction U.S. Hwy 69, then along U.S. Hwy 69 to the IA-MN State line, those points in MN, on and west of a line beginning at the MN-IA State line, then extending along U.S. Hwy 89 to junction U.S. Hwy 65, then along U.S. Hwy 65 to junction MN Hwy 60, then along MN Hwy 60 to the MN-WS State line, those points in MO, on and west of a line beginning at the MO-AR State line, then extending along MO Hwy 5 to junction U.S. Hwy 54, then along U.S. Hwy 54 to junction U.S. Hwy 63, then along U.S. Hwy 63 to the MO-IA State line. The purpose of this filing is to eliminate the gateway of points in Wayne County, NC, and Greenwood, SC.*

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 114552 (Sub-No. E168) (Correction), filed September 25, 1975, published in the FEDERAL REGISTER of March 15, 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., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such materials and supplies useful in the manufacture and distribution of roofing and roofing materials as are also construction materials, gypsum and gypsum products, composition board, and urethane and urethane products (except commodities in bulk), from Port Clinton, OH, to points in SC, on and east of a line beginning at the NC-SC State line, then extending along U.S. Hwy 76 to junction SC Hwy 41, then along SC Hwy 41 to junction U.S. Hwy 378, then along U.S. Hwy 378 to*

junction U.S. Hwy 52, then along U.S. Hwy 52 to junction SC Hwy 45, then along SC Hwy 45 to junction U.S. Hwy 15, then along U.S. Hwy 15 to junction U.S. Hwy 17, then along U.S. Hwy 17 to the SC-GA State line, and those points in FL, on and south of FL Hwy 50. The purpose of this filing is to eliminate the gateway of Lynchburg, VA, and Wayne County, NC.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 114552 (Sub-No. E233) (Correction), filed September 22, 1975, published in the FEDERAL REGISTER, issue of March 15, 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., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such composition boards as are also materials, supplies, and accessories used in the manufacture and installation of composition boards*, except commodities in bulk, from points in ME, VT, those points in MA on and east of a line beginning at the MA-NH State line, then extending along MA Hwy 13 to junction MA Hwy 12, then along MA Hwy 12 to the MA-CT State line; those points in NH on and north of a line beginning at the MA-NH State line, then extending along NH Hwy 13 to junction NH Hwy 114, then along NH Hwy 114 to junction NH Hwy 103, then along NH Hwy 103 to the NH-VT State line, to those points in FL, on and east of a line beginning at the GA-FL State line, then extending along U.S. Hwy 319 to junction U.S. Hwy 98, then along U.S. Hwy 98 to the Ochlockonee Bay. The purpose of this filing is to eliminate the gateway of Roaring River, NC, and points in Wayne County, NC.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 114552 (Sub-No. E238) (Correction), filed September 22, 1975, published in the FEDERAL REGISTER, issue of March 15, 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., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such composition boards as are also materials, supplies and accessories used in the manufacture and installation of composition boards*, except commodities in bulk, from points in CT and RI, to those points in FL, on and south of a line beginning at the Atlantic Ocean, then extending along FL Hwy 60 to junction FL Hwy 630, then along FL Hwy 630 to junction U.S. Hwy 27, then along U.S. Hwy 27 to junction FL Hwy 64, then along FL Hwy 64 to the Gulf of Mexico. The purpose of this filing is to eliminate

the gateway of Roaring River, NC, and points in Wayne County, NC.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 114552 (Sub-No. E239) (Correction), filed September 22, 1975, published in the FEDERAL REGISTER, issue of March 15, 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., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such composition boards as are also materials, supplies, and accessories used in the manufacture and installation of composition boards*, except commodities in bulk, from points in CT, on and east of a line beginning at the CT-MA State line, then extending along CT Hwy, 198, to junction U.S. Hwy 6, then along U.S. Hwy 6 to junction CT Hwy 32, then along CT Hwy 32 to the Atlantic Ocean, and points in RI, to those points in FL, on and south of FL Hwy 40. The purpose of this filing is to eliminate the gateway of Roaring River, NC, and points in Wayne County, NC.

No. MC 114552 (Sub-No. E239) (Correction), filed September 22, 1975, published in the FEDERAL REGISTER, issue of March 15, 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., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such composition boards as are also materials, supplies, and accessories used in the manufacture and installation of composition boards*, except commodities in bulk, from points in PA, on and north of a line beginning at the PA-OH State line, then extending along U.S. Hwy 422 to junction PA Hwy 85, then along PA Hwy 85 to junction U.S. Hwy 119, then along U.S. Hwy 119 to junction U.S. Hwy 322, then along U.S. Hwy 322 to junction U.S. Hwy 220, then along U.S. Hwy 220 to junction Interstate Hwy 80, then along Interstate Hwy 80 to junction PA Hwy 147, then along PA Hwy 147, to junction U.S. Hwy 220, then along U.S. Hwy 220 to the PA-NY State line, to points in FL, on and south of FL Hwy 40. The purpose of this filing is to eliminate the gateway of Roaring River, NC, and points in Wayne County, NC.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 127974 (Sub-No. E14), filed February 9, 1978. APPLICANT: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, NJ 08610. Applicant's representative: Philip Liedtka (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling,*

*pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire*, between those points in PA within 125 miles of Bangor, PA, which are on and east of a line beginning at the PA-NJ State line and extending along the PA Turnpike Northeast Extension to junction U.S. Hwy 209, then along U.S. Hwy 209 to junction PA Hwy 93, then along PA Hwy 93 to junction Interstate Hwy 80, then along Interstate Hwy 80 to junction PA Hwy 42, then along PA Hwy 42 to junction PA Hwy 442, then along PA Hwy 442 to junction U.S. Hwy 220, then along U.S. Hwy 220 to junction PA Hwy 66, then along PA Hwy 66 to junction PA Hwy 44, then along PA Hwy 44 to junction PA Hwy 414, then along PA Hwy 414 to junction PA Hwy 287, then along PA Hwy 287 to junction U.S. Hwy 15, then along U.S. Hwy 15 to the PA-NY State line, on the one hand, and, on the other, points in DE. The purpose of this filing is to eliminate the gateway of Philadelphia, PA.

No. MC 127974 (Sub-No. E15), filed February 9, 1978. APPLICANT: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, NJ 08160. Applicant's representative: Philip Liedtka (same as above). *Iron and steel angles, bars, channels conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire*, (1) between points in NJ on and north of U.S. Hwy 30, on the one hand, and, on the other, points in DE; (2) between points in NY, on the one hand, and, on the other, points in DE; and (3) between those points in PA on and east of a line beginning at the PA-NJ State line and extending along Interstate Hwy 76 to junction PA Hwy 320, then along PA Hwy 320 to junction U.S. Hwy 202, then along U.S. Hwy 202 to junction PA Turnpike Extension Northeast, then along PA Turnpike Extension Northeast to junction PA Hwy 115, then along PA Hwy 115 to junction PA Hwy 309, then along PA Hwy 309 to junction PA Hwy 29, then along PA Hwy 29 to the PA-NY State line, on the one hand, and, on the other, those points in MD on and east of a line beginning at the MD-PA State line and extending along Interstate Hwy 83 to junction U.S. Hwy 1, then along U.S. Hwy 1 to the Potomac River, then along the Potomac River south to the Chesapeake Bay, and those in MD east of the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of Philadelphia, PA.

No. MC 127974 (Sub-No. E16), filed February 9, 1978. APPLICANT: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, NJ 08610. Applicant's representative: Philip Liedtka (same as above). *Iron and steel angles, bars, channels, conduit, fencing,*

ing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire, (1) between those points in NJ on and north of a line beginning at the Atlantic Ocean, and extending along U.S. Hwy 322 to junction NJ Hwy 47, then along NJ Hwy 47 to junction County Hwy 534, then along County Hwy 534 to junction unnumbered highway at Thorofare, then along unnumbered highway to the Delaware River, on the one hand, and, on the other, those points in MD on and east of a line beginning at the MD-PA State line and extending along Interstate Hwy 83 to junction U.S. Hwy 1, then along U.S. Hwy 1 to the Potomac River, to the Chesapeake Bay, and those in MD east of the Chesapeake Bay; and (2) between those points in NY on and east of a line beginning at the NY-PA State line and extending along NY Hwy 26 to junction NY Hwy 17, then along NY Hwy 17 to Oswego, then along NY Hwy 96 to junction NY Hwy 96B, then along NY Hwy 96B to Ithaca, then along NY Hwy 34 to Auburn, then along NY Hwy 38 to junction NY Hwy 370, then along NY Hwy 370 to junction NY Hwy 104, then along NY Hwy 104 to Alton, then along NY Hwy 14 to Lake Ontario, on the one hand, and, on the other, those points in MD as described in (1) above. The purpose of this filing is to eliminate the gateway of Philadelphia, PA.

No. MC 127974 (Sub-No. E17), filed February 9, 1978. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, NJ 08610. Applicant's representative: Philip Liedtka (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire*, between those points in PA on and east of a line beginning at the PA-NJ State line and extending along Interstate Hwy 76 to junction PA Hwy 320, then along PA Hwy 320 to junction U.S. Hwy 202, then along U.S. Hwy 202 to junction PA Hwy 611, then along PA Hwy 611 to the Delaware River, on the one hand, and, on the other, those points in MD on and east of Interstate Hwy 81, and between points in NJ and those points in NY on and east of a line beginning at the NY-PA State line and extending along NY Hwy 52 to junction NY Hwy 17 to junction unnumbered highway at Roscoe, then along unnumbered highway 5 to junction NY Hwy 30, then along NY Hwy 30 to junction NY Hwy 38, then along NY Hwy 38 to junction Interstate Hwy 90, then along Interstate Hwy 90 to the St. Lawrence River, on the one hand, and, on the other, points in MD on and east of Interstate Hwy 81 (except those on and east of a line beginning at the

MD-PA State line and extending along Interstate Hwy 83 to junction U.S. Hwy 1, then along U.S. Hwy 1 to the Potomac River to the Chesapeake Bay, and those east of the Chesapeake Bay). The purpose of this filing is to eliminate the gateway of Philadelphia, PA.

No. MC 127974 (Sub-No. E18), filed February 9, 1978. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, NJ 08610. Applicant's representative: Philip Liedtka (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire*, (1) between those points in PA on and east of a line beginning at the PA-DE State line and extending along U.S. Hwy 202 to junction U.S. Hwy 322, then along U.S. Hwy 322 to junction U.S. Hwy Business Route 322, then along U.S. Hwy Business Route 322 to West Chester, then along PA Hwy 100 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction PA Hwy 29, then along PA Hwy 29 to junction PA Hwy 113, then along PA Hwy 113 to junction PA Hwy 611 to the Delaware River, on the one hand, and, on the other, points in MD; (2) between those points in NY on and east of a line beginning at the NY-PA State line and extending along NY Hwy 17 to Deposit, then along NY Hwy 8 to junction NY Hwy 7, then along NY Hwy 7 to the junction NY Hwy 28, then along NY Hwy 28 to junction NY Hwy 29, then along NY Hwy 29 to junction NY Hwy 29A, then along NY Hwy 29A to junction NY Hwy 10, then along NY Hwy 10 to junction NY Hwy 8, then along NY Hwy 8 to junction NY Hwy 30, then along NY Hwy 30 to the U.S.-CD International Boundary line, on the one hand, and, on the other, points in MD; (3) between those points in PA on and east of a line beginning at the Delaware River and extending along PA Hwy 420 to junction PA Hwy 320, then along PA Hwy 320 to Broomall, then along PA Hwy 3 to Newton Square, then along PA Hwy 252 to junction PA Hwy 23, then along PA Hwy 23 to Phoenixville, then along PA Hwy 29 to junction PA Turnpike Northeast Extension, then along PA Turnpike Northeast Extension to junction Interstate Hwy 80, then along PA Hwy 80 to junction PA Hwy 437, then along PA Hwy 437 to junction PA Hwy 309, then along PA Hwy 309 to junction PA Hwy 29, then along PA Hwy 29 to the PA-NY State line, on the one hand, and, on the other, DC; (4) between those points in NJ on and north of a line beginning at the Atlantic Ocean and extending along U.S. Hwy 322 to junction NJ Hwy 47, then along NJ Hwy 47 to junction County Hwy 534, then along County Hwy 534 to junc-

tion unnumbered highway at Thorofare, then along unnumbered highway to the Delaware River, on the one hand, and, on the other, the District of Columbia; (5) between those points in NY on and east of a line beginning at the NY-PA State line and extending along NY Hwy 26 to junction NY Hwy 17, then along NY Hwy 17 to Oswego, then along NY Hwy 96 to junction NY Hwy 96B, then along NY Hwy 96B to Ithaca, then along NY Hwy 34 to Auburn, then along NY Hwy 38 to junction NY Hwy 370, then along NY Hwy 370 to junction NY Hwy 104, then along NY Hwy 104 to Alton, then along NY Hwy 14 to Lake Ontario, on the one hand, and, on the other, DC; (6) between those points in PA on and east of a line beginning at the Delaware River, and extending along PA Hwy 455 to junction U.S. Hwy 322, then along U.S. Hwy 322 to junction PA Hwy 261, then along PA Hwy 261 to junction U.S. Hwy 1, then along U.S. Hwy 1 to junction PA Hwy 352, then along PA Hwy 352 to junction PA Hwy 3, then along PA Hwy 3 to West Chester, then along PA Hwy 100 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction PA Hwy 29, then along PA Hwy 29 to junction PA Hwy 113, then along PA Hwy 113 to junction PA Turnpike Northeast Extension, then along PA Turnpike Northeast Extension to junction PA Hwy 663, then along PA Hwy 663 to junction PA Hwy 212, then along PA Hwy 212 to junction PA Hwy 611, then along PA Hwy 611 to the Delaware River, on the one hand, and, on the other, those points in VA on and west of a line beginning at the VA-MD State line and extending along U.S. Hwy 15 to Culpeper, then along U.S. Hwy 522 to junction U.S. Hwy 211, then along U.S. Hwy 211 to New Market, then along VA Hwy 260 to junction VA Hwy 42, then along VA Hwy 42 to junction VA Hwy 259, then along VA Hwy 259 to the VA-WV State line; and (7) between those points in NY on and east of a line beginning at the NY-PA State line and extending along NY Hwy 52, then along NY Hwy 52 to junction NY Hwy 17, then along NY Hwy 17 to junction unnumbered highway at Roscoe, then along unnumbered highway to junction NY Hwy 30, then along NY Hwy 30 to junction NY Hwy 38, then along NY Hwy 38, to junction Interstate Hwy 90, then along Interstate Hwy 90 to junction NY Hwy 12, then along NY Hwy 12 to the St. Lawrence River, on the one hand, and, on the other, those points in VA on and west of a line beginning at the VA-MD State line and extending along U.S. Hwy 15 to junction U.S. Hwy 522, then along U.S. Hwy 522 to junction U.S. Hwy 211, then along U.S. Hwy 211 to junction VA Hwy 260, then along VA Hwy 260 to junction VA Hwy 42, then along

VA Hwy 42 to junction VA Hwy 259, then along VA Hwy 259 to the VA-WV State line. The purpose of this filing is to eliminate the gateway of Philadelphia, PA.

No. MC 127974 (Sub-No. E19), filed February 9, 1978. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, NJ 08610. Applicant's representative: Philip Liedtka (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire*, (1) between points in NJ, on the one hand, and, on the other, points in VA; (2) between those points in PA on and east of a line beginning at the PA-DE State line, and extending along U.S. Hwy 202 to junction U.S. Hwy business route 322 to West Chester, PA, then along U.S. Hwy 322 to Downingtown, then along PA Hwy 282 to junction PA Hwy 82, then along PA Hwy 82 to junction U.S. Hwy 422, then along U.S. Hwy 422 to Reading, then along U.S. Hwy 222 to junction PA Hwy 737, then along PA Hwy 737 to junction PA Hwy 143, then along PA Hwy 143 to junction PA Hwy 309, then along PA Hwy 309 to junction U.S. Hwy 6, then along U.S. Hwy 6 to junction PA Hwy 267, then along PA Hwy 267 to the PA-NY State line, on the one hand, and, on the other, points in VA bounded by a line beginning at the VA-WV State line and extending along VA Hwy 259 to junction VA Hwy 42, then along VA Hwy 42 to junction VA Hwy 260, then along VA Hwy 260 to junction U.S. Hwy 211, then along U.S. Hwy 211 to junction U.S. Hwy 522, then along U.S. Hwy 522 to junction U.S. Hwy 15, then along U.S. Hwy 15 to junction U.S. Hwy 60, then along U.S. Hwy 60 to the VA-WV State line, then along VA-WV State line to the point of beginning; (3) between those points in NY on and east of a line beginning at the NY-PA State line and extending along NY Hwy 282 to junction NY Hwy 17C, then along NY Hwy 17C to Owego, then along NY Hwy 96 to junction NY Hwy 96B, then along NY Hwy 96B to Ithaca, then along NY Hwy 96 to junction NY Hwy 5, then along NY Hwy 5 to junction NY Hwy 14, then along NY Hwy 14 to Lake Ontario, on the one hand, and, on the other, those points in VA, bounded by a line beginning at the VA-WV State line and extending along VA Hwy 259 to junction VA Hwy 42, then along VA Hwy 42 to junction U.S. Hwy 260, then along U.S. Hwy 260 to junction U.S. Hwy 211, then along U.S. Hwy 211 to junction U.S. Hwy 522, then along U.S. Hwy 522 to junction U.S. Hwy 15, then along U.S. Hwy 15 to junction U.S. Hwy 60, then along U.S. Hwy 60 to the VA-WV State line, then along the VA-WV State line to the point of beginning;

(4) Between those points in PA on and east of a line beginning at the PA-DE State line and extending along PA Hwy 82 to junction PA Hwy 724, then along PA Hwy 724 to junction Interstate Hwy 176, then along Interstate Hwy 176 to Reading, then along PA Hwy 61 to junction PA Hwy 895, then along PA Hwy 895 to junction PA Hwy 443, then along PA Hwy 443 to junction PA Hwy 309, then along PA Hwy 309 to junction PA Hwy 93, then along PA Hwy 93 to junction PA Hwy 239, then along PA Hwy 239 to junction U.S. Hwy 11, then along U.S. Hwy 11 to junction PA Hwy 29, then along PA Hwy 29 to junction PA Hwy 309, then along PA Hwy 309 to junction U.S. Hwy 6, then along U.S. Hwy 6 to junction U.S. Hwy 220, then along U.S. Hwy 220 to the PA-NY State line, on the one hand, and, on the other, those points in VA on and bounded by a line beginning at the VA-NC State line, at U.S. Hwy 501, and extending along U.S. Hwy 501 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction VA Hwy 26, then along VA Hwy 26 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction VA Hwy 47, then along VA Hwy 47 to junction VA Hwy 40, then along VA Hwy 40 to junction VA Hwy 122, then along VA Hwy 122 to junction U.S. Hwy 501, then along U.S. Hwy 501 to the point of beginning; (5) between those points in NY on and east of a line beginning at the NY-PA State line and extending along NY Hwy 282 to junction NY Hwy 17C, then along NY Hwy 17C to Owego, then along NY Hwy 96 to junction NY Hwy 96B, then along NY Hwy 96B to Ithaca, then along NY Hwy 96 to junction NY Hwy 96A, then along NY Hwy 96A to junction U.S. Hwy 20, then along U.S. Hwy 20 to junction NY Hwy 332, then along NY Hwy 332 to junction NY Hwy 96, then along NY Hwy 96 to junction Interstate Hwy 490, then along Interstate Hwy 490 to Rochester, then along NY Hwy 18 to Lake Ontario, on the one hand, and, on the other, those points in VA bounded by a line beginning at the junction of U.S. Hwy 60, and U.S. Hwy 601, and extending along U.S. Hwy 60 to junction VA Hwy 26, then along VA Hwy 26 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction VA Hwy 47, then along VA Hwy 47 to junction VA Hwy 40, then along VA Hwy 40 to junction VA Hwy 122, then along VA Hwy 122 to junction U.S. Hwy 501, then along U.S. Hwy 501 to the point of beginning; (6) between those points in PA on and east of a line beginning at the PA-DE State line and extending along PA Hwy 82 to junction PA Hwy 724, then along PA Hwy 724 to junction Interstate Hwy 176, then along Interstate Hwy 176 to junction PA Hwy 61, then along PA Hwy 61 to junction PA Hwy 895, then along PA Hwy 895 to junction PA Hwy

443, then along PA Hwy 443 to junction PA Hwy 309, then along PA Hwy 309 to junction PA Hwy 93, then along PA Hwy 93 to junction PA Hwy 239, then along PA Hwy 239 to junction U.S. Hwy 11; then along U.S. Hwy 11 to junction PA Hwy 29, then along PA Hwy 29 to junction PA Hwy 309, then along PA Hwy 309 to junction PA Hwy 29, then along PA Hwy 29 to the PA-NY State line, on the one hand, and, on the other, those points in VA bounded by a line beginning at the VA-WV State line and extending along U.S. Hwy 60 to junction U.S. Hwy 501, then along U.S. Hwy 501 to junction VA Hwy 122, then along VA Hwy 122 to junction VA Hwy 40, then along VA Hwy 40 to junction VA Hwy 8, then along VA Hwy 8 to junction U.S. Hwy 460, then along U.S. Hwy 460 to the VA-WV State line, then along the VA-WV State line to the point of beginning;

(7) Between those points in NY on and east of a line beginning at the NY-PA State line and extending along NY Hwy 26 to junction U.S. Hwy 11, then along U.S. Hwy 11 to junction NY Hwy 79, then along NY Hwy 79 to junction NY Hwy 38, then along NY Hwy 38 to junction NY Hwy 104A, then along NY Hwy 104A to Lake Ontario, on the one hand, and, on the other, those points in VA bounded by a line beginning at the VA-WV State line and extending along U.S. Hwy 60 to junction U.S. Hwy 501, then along U.S. Hwy 501 to junction VA Hwy 122, then along VA Hwy 122 to junction VA Hwy 40, then along VA Hwy 40 to junction VA Hwy 8, then along VA Hwy 8 to junction U.S. Hwy 460, then along U.S. Hwy 460 to the VA-WV State line to the point of beginning;

(8) Between those points in PA east of a line beginning at the PA-DE State line and extending along PA Hwy 41 to junction PA Hwy 10, then along PA Hwy 10 to Reading, then along PA Hwy 183 to junction PA Hwy 61, then along PA Hwy 61 to Ashland, then along PA Hwy 42 to junction U.S. Hwy 220, then along U.S. Hwy 220 to the PA-NY State line and those points in NY on and east of a line beginning at the NY-PA State line and extending along U.S. Hwy 15 to junction NY Hwy 63, then along NY Hwy 63 to junction NY Hwy 258, then along NY Hwy 258 to junction NY Hwy 36, then along NY Hwy 36 to junction NY Hwy 31, then along NY Hwy 31 to junction NY Hwy 19, then along NY Hwy 19 to Lake Ontario, on the one hand, and, on the other, those points in VA bounded by a line beginning at the VA-NC State line and extending along VA Hwy 8 to junction VA Hwy 40, then along VA Hwy 40 to junction VA Hwy 47, then along VA Hwy 47 to junction U.S. Hwy 15, then along U.S. Hwy 15 to the VA-NC State line, then along the VA-NC State line

to the point of beginning. The purpose of this filing is to eliminate the gateway of Philadelphia, PA.

By the Commission.

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

[FR Doc. 78-10597 Filed 4-18-78; 8:45 am]

[7035-01]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY LETTER NOTICES

APRIL 14, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission by May 1, 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. E13) (Correction), Filed May 17, 1974, published in the FEDERAL REGISTER issue of November 3, 1976, and republished, as corrected, this issue. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 248 North 5th Street, Salina, KS 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. *Household goods*, as defined by the Commission, (1)(C)(1) from points in KY to those points in MO on and west of a line beginning at the IA-Mo State line, and extending along U.S. Hwy 65, then along U.S. Hwy 85 to the MO-AR State line; (2) From points in KY to points in KY to points in WY; (3) from points in KY to points in NE; (4) from points in KY to points in NV; (5) from points in KY to those points in OK on and north and west of a line beginning at Ft. Smith, AR, and extending along U.S. Hwy 271, then along U.S. Hwy 271 to the OK-TX State line; (6) from

points in KY to those points in TX on and west of a line beginning at the TX-OK State line, and extending along U.S. Hwy 83 to junction U.S. Hwy 287, then along U.S. Hwy 287 to junction U.S. Hwy 183, then along U.S. Hwy 183 to junction U.S. Hwy 281, then along U.S. Hwy 281 to the Gulf of Mexico; (7) from points in KY to points in MN; (8) from points in KY to points in SD; (9) from points in KY to points in UT; (10) from points in KY to those points in MN on and south and west of a line beginning at the SD-MN State line, and extending along U.S. Hwy 212 to junction MN Hwy 7, then along MN Hwy 7 to junction U.S. Hwy 71, then south along U.S. Hwy 71 to the IA-MN State line; (11) from points in KY on and north of a line beginning at the KY-WV State line, and extending along Interstate Hwy 64, then along Interstate Hwy 64 to the IN-KY State line, to points in AR; (B)(1) from points in KY to those points in IA on and west of a line beginning at the IA-MN State line, and extending along U.S. Hwy 69, then south along U.S. Hwy 69 to the IA-MO State line; (2) from points in KY to points in CA; (3) from points in KY to points in CO; (4) from points in KY to points in ID. The purpose of this partial republication is to correct the territorial descriptions. The gateways and remainder of this letter notice remain as previously published.

No. MC 45764 (Sub-No. E17), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, PA 19029. Applicant's representative: Alan Kahn, Two Penn Center Plaza, Suite 1920, Philadelphia, PA 19102. *Commodities*, the transportation of which because of size or weight, require the use of special equipment, between points in NJ (except those within 75 miles of Philadelphia, PA, and in Sussex County, NJ), on the one hand, and, on the other, points in MA. The purpose of this filing is to eliminate the gateway of Paterson, NJ.

No. MC 45764 (Sub-No. E70), filed May 12, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 36, Essington, PA 19029. Applicant's representative: Alan Kahn, Two Penn Center Plaza, Suite 1920, Philadelphia, PA 19102. *Iron and steel articles* as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, between Sparrows Point, MD, on the one hand, and, on the other, points in the District of Columbia. The purpose of this filing is to eliminate the gateways of points in MD within 10 miles of Baltimore, MD, and 75 miles of Philadelphia, PA.

No. MC 61825 (Sub-No. E822), 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. *New furniture*, from points in AL on and east of a line beginning at the GA-AL State line, and extending west along AL Hwy 10 to junction U.S. Hwy 231, to junction U.S. Hwy 231 Alternate, to junction AL Hwy 21, to junction U.S. Hwy 431, to junction AL Hwy 79, to junction AL Hwy 146, to junction AL Hwy 65, and then to the AL-TN State line, to points in ME, NH, RI and VT and points in CT and MA on and northeast of a line beginning at the NY-MA State line, and extending east along U.S. Hwy 20 to junction MA Hwy 9, to junction MA Hwy 8, to junction MA Hwy 57, to junction MA Hwy 189, to junction CT Hwy 189, to junction U.S. Hwy 44, to junction CT Hwy 2, to junction CT Hwy 85 to New London, CT, and then to the Block Island Sound. The purpose of this filing is to eliminate the gateways of Pulaski, VA, Martinsville, VA, and Elizabeth City, NC.

No. MC 61825 (Sub-No. E1183) (clarification), filed May 13, 1974, published in the FEDERAL REGISTER issue of January 20, 1977, and republished, as corrected, March 1, 1978, and further republished, as clarified, 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. *Furniture parts*, except commodities in bulk, from points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, RI, PA, VT, VA, and WV on and east of a line beginning at the Canada-United States international boundary line, and extending along 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 the Atlantic Ocean, to points in AL, AZ, AR, CA, ID, LA, MS, NV, NM, OK, OR, TX, UT, WA, and points in CO, FL, GA, IL, IN, KS, KY, MO, MT, NE, NC, ND, TN, VA, and WY on and west of a line beginning at the United States-Canada 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 Chatahoochee River at Columbus, GA, to the Apalachicola River, to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of points in Smyth County, VA.

NOTE.—The purpose of this republication is to clarify the above letter notice.

No. MC 61825 (Sub-No. E1262), 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. *New furniture*, except commodities in bulk, household goods as defined by the Commission, (1) between points in DE, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY on and west of a line beginning at the Mexico-TX-NM international boundary line near El Paso, TX, and extending east and north along the NM-TX State line to the NM-OK State line, then along the OK-NM State line to the OK-CO State line, then along the OK-CO State line to the CO-KS State line to junction U.S. Hwy 24, then west on U.S. Hwy 24 to junction CO Hwy 71, to junction U.S. Hwy 34, to junction U.S. Hwy 287, to junction CO Hwy 14, to junction CO Hwy 125, to the CO-WY State line, to junction WY Hwy 230, to junction WY Hwy 130, to junction U.S. Hwy 30, to junction U.S. Hwy 187, to junction U.S. Hwy 89 to the WY-MT State line, to junction U.S. Hwy 89, to junction U.S. Hwy 91 to the Canada-United States international boundary line; (2) between points in AZ, CA, CO, ID, MT, and so forth in destination points listed in (1) above, on the one hand, and, on the other, points in DE. The

purpose of this filing is to eliminate the gateways of Pulaski, VA, Lynchburg, VA, and Smyth County, VA.

No. MC 68860 (Sub-No. E1) (partial correction), filed April 21, 1974, published in the FEDERAL REGISTER issue of June 13, 1974, and, partially republished, as corrected, this issue. Applicant: RUSSELL TRANSFER, INC., P.O. Box 2278, Roanoke, VA 24009. Applicant's representative: L. G. Gregory, Jr. (same as above). (2) *Angles, bars, bases, beams, bridge steel, channels, forms (structural), joists, piling, pipe (cast iron, plate or sheet), pipe fittings, plates (structural), rivets, rods, sheets, slabs, wire rope, and accessories for beams and joists*, from points in SC, and Lynchburg, Norfolk, Richmond, Danville, Bristol, Narrows, and Grundy, VA, Winston-Salem, Greensboro, Durham, Canton, Asheville, Charlotte, and Raleigh, NC, Washington, DC, Baltimore, MD, Wilmington, DE, Philadelphia, Pittsburgh, Marcus Hook, York, and Harrisburg, PA, Newark, and Swedesboro, NJ, and Charleston, Bluefield, and Huntington, WV, to points in NC on and west of a line beginning at the VA-NC State line, and extending along U.S. Hwy 15 through Durham, Stanford, Aberdeen, and Laurinburg, NC, to the NC-SC State line, and extending along U.S. Hwy 25W through Highland Park and Clinton, TN, to Knoxville, TN, and on through Dandridge, TN, to Newport, TN, and then along U.S. Hwy 25 through Del Rio, TN, to the TN-NC State line; and points in WV on and south of U.S. Hwy 33. The purpose of this filing is to eliminate the gateways of Roanoke, Lynchburg, and Glenvar, VA.

NOTE.—The purpose of this partial correction is to state the correct territorial description.

No. MC 107002 (Sub-No. E13), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Applicant's representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205, and John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, MS 39204. (1) *Petroleum and petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from points in Adams County, MS, to those points in AR on and north of a line beginning at the OK-AR State line, and extending along AR Hwy 8 to junction AR Hwy 84, then along AR Hwy 84 to U.S. Hwy 67, then along U.S. Hwy 67 to U.S. Hwy 270, then along U.S. Hwy 270 to U.S. Hwy 167, then south along U.S. Hwy 167 to U.S. Hwy 79, then along U.S. Hwy 79 to the White River, then south along the White River to the AR-MS State line, then along the

AR-MS State line to the AR-TN State line, then along the AR-TN State line to the AR-MO State line, then along the AR-MO State line to the AR-OK State line, and then along the AR-OK State line to the point of beginning, excluding those points on U.S. Hwy 67, 270, 167 and 79 (Washington County, MS\*); (2) *petroleum products*, in bulk, in tank vehicles, from points in Adams County, MS, to points in FL (Mobile, AL\*); (3) *petroleum products*, in bulk, in tank vehicles, from points in Adams County, MS, to points in GA (Mobile and Tuscaloosa, AL\*); (4) *petroleum and petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 (except asphalt and liquefied petroleum gases) in bulk, in tank vehicles, from points in Adams County, MS, to points in IL (Washington County, MS\*); (5) *petroleum and petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from points in Adams County, MS, to points in IN (Washington County, MS\*); (6) *petroleum and petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from points in Adams County, MS, to points in OH (Washington County, MS\*); (7) *petroleum and petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from points in Adams County, MS, to points in OK (Washington County, MS\*); (8) *petroleum and petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from points in Adams County, MS, to points in VA (Washington County, MS\*); (9) *petroleum and petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from points in Adams County, MS, to points in WV (Washington County, MS\*); (10) *petroleum and petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from points in Adams County, MS, to points in KY (Washington County, MS\*); (11) *petroleum and petroleum products*, in bulk, in tank vehicles, from points in Adams County, MS, to points in TX (Natchez,

MS\*); (12) *petroleum and petroleum products*, in bulk, in tank vehicles, from points in Adams County, MS, to points in TN; (1) Friars Point, MS; (2) site of pipeline terminal of OK-MS River Products Line, Inc., near West Memphis, AR and; (3) Tuscaloosa, AL\*); (13) *petroleum and petroleum products*, in bulk, in tank vehicles, from points in Adams County, MS, to points in SC (Tuscaloosa, AL\*); (14) *petroleum and petroleum products*, in bulk, in tank vehicles, from points in Adams County, MS, to points in NC (Tuscaloosa, AL\*); the purpose of this filing is to eliminate the gateways noted by asterisks above.

No. MC 107002 (Sub-No. E16), filed May 30, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Applicant's representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205, and John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, MS 39204. *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from Greenville, MS, to points in Monroe and Phillips Counties, AR, on and east and south of a line beginning at the AR-MS State line, and extending along U.S. Hwy 49, then along U.S. Hwy 49 to junction U.S. Hwy 79 at Clarendon, AR, then south along the White River to the AR-MS State line. The purpose of this filing is to eliminate the gateway of Friars Point, MS.

No. MC 108119 (Sub-No. E44), filed July 11, 1976. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 3010, St. Paul, MN 55165. Applicant's representative: Mark E. Moser (same as above). *Metal and metal articles*, (1) Between points in IL west of U.S. Hwy 51 that are on and north of U.S. Hwy 24, on the one hand, and, on the other hand, points in CA (points on, north and west of a line extending from the CA-AZ State line westerly along U.S. Hwy 66 to San Bernardino, CA, then southerly along U.S. Hwy 395 to the CA-Mexico line only), NV, ND, SD (except Charles Mix, Bon Homme, Yankton, Clay, and Union Counties), UT (points on and west of a line extending from the UT-WY line southerly along UT Hwy 44 to Vernal, UT, then westerly along U.S. Hwy 40 to Arcadia, UT, then southerly along UT Hwy 33 to Castle Gate, UT, then westerly along U.S. Hwy 50 to Spanish Fork, UT, then southerly along U.S. Hwy 91 to the UT-AZ line only), and WY (points on and north of a line extending from the WY-NE line westerly along U.S. Hwy 20 to Casper, WY, then southwestward along WY Hwy 220 to Muddy Gap, WY, then southerly along WY Hwy 789 to Rawlins, WY,

then westerly along Interstate Hwy 80 to Rock Springs, WY, then southerly along WY Hwy 430 to the WY-CO line only).

(2) Between points in IL on and east of U.S. Hwy 51 that are on and north of U.S. Hwy 6, excluding the Commercial Zone of Chicago, IL, on the one hand, and, on the other hand, points in AZ, CA, CO (points on and west of U.S. Hwy 85 only), NV, NM, (points on and west of U.S. Hwy 85 only), ND, SD (except Charles Mix, Bon Homme, Yankton, Clay and Union Counties), TX (points in El Paso County only), UT and WY.

(3) Between points in IL south of a line extending from the Mississippi River easterly along U.S. Hwy 24 to El Paso, IL, then northerly along U.S. Hwy 51 to LaSalle, IL, then easterly along U.S. Hwy 6 to the IL-IN line and points on and north of U.S. Hwy 40, on the one hand, and, on the other hand, points in CA (points on, north and west of a line extending from the CA-NE line westerly along Interstate Hwy 15 to its junction with U.S. Hwy 395, then southerly along U.S. Hwy 395 to Perris, CA, then westerly along CA Hwy 74 to the Pacific Ocean only), NE (points on and north of Interstate Hwy 15 only), ND, SD (except Charles Mix, Bon Homme, Yankton, Clay and Union Counties), UT (points on, north, and west of a line extending from the UT-WY line southerly on U.S. Hwy 189 to Provo, UT, then southerly along U.S. Hwy 89 to its junction with UT Hwy 20, then westerly along UT Hwy 20 to its junction with Interstate Hwy 15, then southwestward along Interstate Hwy 15 to the UT-AZ line only), and WY (points on and north of a line extending from the WY-NE line westerly along U.S. Hwy 20 to Casper, WY, then southwestward along WY Hwy 220 to Muddy Gap, WY, then southerly along WY Hwy 789 to Rawlins, WY, then westerly along Interstate Hwy 80 to Rock Springs, WY, then southerly along WY Hwy 430 to the WY-CO line only).

(4) Between points in IL south of U.S. Hwy 40, on the one hand, and, on the other hand, points in CA (points on, north and west of a line extending from the CA-NE line westerly along U.S. Hwy 6 to Bishop, CA, then northerly along U.S. Hwy 395 to its junction with CA Hwy 120, then westerly along CA Hwy 120 to its junction with CA Hwy 41, then southerly along CA Hwy 41 to Fresno, CA, then southerly along U.S. Hwy 99 to its junction with CA Hwy 119, then westerly along CA Hwy 119 to Taft, CA, then southerly along CA Hwy 33 to its junction with CA Hwy 166 to Santa Maria, CA, then southerly along U.S. Hwy 101 to the Pacific Ocean at Gaviota, CA only), NE (points on and north of U.S. Hwy 6 only), ND, SD (except Charles Mix, Bon Homme, Yankton, Clay and Union

Counties), UT (points on and north of a line extending from UT-WY line southwestward along U.S. Hwy 189 to Provo, UT, then southerly along U.S. Hwy 91 to Santaquin, UT, then westerly along U.S. Hwy 50 to the UT-NE line only), and WY (points on and north of a line extending from the WY-NE line westerly along U.S. Hwy 20 to Casper, WY, thence southwestward along WY Hwy 220 to Muddy Gap, WY, then southerly along WY Hwy 789 to Rawlins, WY, then westerly along Interstate Hwy 80 to the WY-UT line only).

(5) Between points in the Commercial Zone of Chicago, IL on the one hand, and, on the other hand, points in AZ, CA, CO, KS (points on and west of U.S. Hwy 83 only), NE (points on and west of U.S. Hwy 83 only), NV, NM, ND, OK (points on and west of U.S. Hwy 83 only), SD, TX (points on and west of a line extending southerly from the TX-OK line along U.S. Hwy 83 to Junction, TX, then southeasterly along Interstate Hwy 10 to San Antonio, TX, then southerly along U.S. Hwy 181 to the Gulf of Mexico at Corpus Christi, TX only), UT, WI (points on and west of a line extending from the WI-MN line northerly along U.S. Hwy 53 to Osseo, WI, then easterly along U.S. Hwy 10 to its junction with WI Hwy 27, then northerly along WI Hwy 27 to Hayward, WI, then northeasterly along U.S. Hwy 63 to Lake Superior only), and WY.

(6) Between points in IN on and north of U.S. Hwy 30, but not including points in the Chicago Commercial Zone, on the one hand, and, on the other hand, points in AZ, CA, CO (points on, north and west of a line extending from the CO-KS line westerly along U.S. Hwy 50 to La Junta, CO, then southwestward along U.S. Hwy 350 to Trinidad, CO, then southerly along U.S. Hwy 85 to the CO-NM line only), NE (points on and north of a line extending from the NE-SD line southerly along U.S. Hwy 83 to North Platte, NE, then westerly along Interstate Hwy 80 to the NE-CO line only), NV, NM (points on and west of a line extending southerly from the NM-CO line along U.S. Hwy 85 to Ribera, NM, then southerly along NM Hwy 3 to Duran, NM, then southerly along U.S. Hwy 54 to the NM-TX line only), ND, SD, TX (points in El Paso County only), UT and WY.

(7) Between points in IN south of U.S. Hwy 30 and points on and north of a line extending from the IN-IL line easterly along U.S. Hwy 24 to its junction with U.S. Hwy 30 at Fort Wayne, IN, on the one hand, and, on the other hand, points in AZ, CA, CO (points on, north and west of a line extending from the CO-NE line southerly along CO Hwy 113 to its junction with U.S. Hwy 138, then southerly along U.S. Hwy 138 to Sterling, CO, then south-

westerly along U.S. Hwy 6 to Denver, CO, then southwesterly along U.S. Hwy 285 to its junction with CO Hwy 291, then southerly along CO Hwy 291 to Salida, CO, then westerly along U.S. Hwy 50 to Montrose, CO, then southerly along U.S. Hwy 550 to the CO-NM line only), NE (points on and west of U.S. Hwy 385 only), NV, ND, SD, UT and WY.

(8) Between points in IN on and north of Interstate Hwy 74 and south of a line extending from the IN-IL line easterly along U.S. Hwy 24 to Fort Wayne, IN, then easterly along U.S. Hwy 30 to the IN-OH line, on the one hand, and, on the other hand, points in AZ (points on and west of a line extending southwesterly from the AZ-NM line along U.S. Hwy 160 to its junction with U.S. Hwy 89, then southerly along U.S. Hwy 89 to Flagstaff, AZ, then southerly along Interstate Hwy 17 to Phoenix, AZ, then southerly along U.S. Hwy 89 to the AZ-Mexico line only), CA, CO (points on, north and west of a line extending from the CO-WY line southerly along 87 to its junction with 34, then westerly along U.S. Hwy 34 to Granby, CO, then westerly along U.S. Hwy 40 to Craig, CO, then southerly along CO Hwy 789 to Rifle, CO, then westerly along U.S. Hwy 6 to the CO-UT line only), NV, ND, SD, UT, and WY (points on, north and west of a line extending from the WY-NE line westerly along WY Hwy 151 to its junction with U.S. Hwy 85, then southerly along U.S. Hwy 85 to the WY-CO line only).

(9) Between points in IN south of Interstate Hwy 74, on the one hand, and, on the other hand, points in CA (points on, north and west of a line extending from the CA-NE line southwesterly along Interstate Hwy 15 to its junction with U.S. Hwy 395, then southerly along U.S. Hwy 395 to the city limits of San Diego, CA, and points within the Commercial Zone of San Diego, only), NE (points on, north and west of a line extending from the NE-SD line southerly along U.S. Hwy 385 to Bridgeport, NE, then westerly along U.S. Hwy 26 to the NE-WY line only), NV (points on, north and west of a line extending from the NV-AZ line westerly along U.S. Hwy 93 to Alunite, NV, then southerly along U.S. Hwy 95 to Searchlight, NV, then westerly along NV Hwy 68 to the NV-CA line only), ND, SD, UT (points on, north and west of a line extending from the UT-WY line southerly along UT Hwy 44 to Vernal, UT, then westerly along U.S. Hwy 40 to Myton, UT, then southerly along UT Hwy 53 to its junction with U.S. Hwy 50, then westerly along U.S. Hwy 50 to Thistle, UT, then southerly along U.S. Hwy 89 to Sevier, UT, then westerly along UT Hwy 4 to Cove Fort, UT, then southerly along U.S. Hwy 91 to the UT-AZ

line only), and WY (points on, north and west of a line extending from the WY-NE line westerly along U.S. Hwy 26 to Torrington, WY, then southwesterly along U.S. Hwy 85 to its junction with U.S. Hwy 87, then southerly along U.S. Hwy 87 to the WY-CO line, including points in the Cheyenne, WY, Commercial Zone, only).

(10) Between points in IA on and north of U.S. Hwy 18, and west of U.S. Hwy 69, on the one hand, and, on the other hand, points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, IL (points on and south of a line extending easterly from the IL-MO line along U.S. Hwy 66 to Chenoa, IL, then easterly along U.S. Hwy 24 to the IL-IN line only), IN (points on, south, and east of a line extending from the IN-IL line easterly along U.S. Hwy 24 to Logansport, IN, then northerly along IN Hwy 25 to Rochester, IN, then northerly along U.S. Hwy 31 to the IN-MI line only), KY, LA, ME, MD, MA, MI (points in the lower peninsula lying on, east, and north of a line extending from the MI-IN line northwesterly along U.S. Hwy 31 to Lake Michigan only), MS, MO (points on and north of a line extending easterly from the MO-OK line along U.S. Hwy 60 to Springfield, MO, then easterly along U.S. Hwy 66 to St. Louis, MO, and points within the St. Louis Commercial Zone only), MT, NV, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, UT, VT, VA, WV and Wyoming.

(11) Between points in IA on and north of U.S. Hwy 18, that are on and east of U.S. Hwy 69, on the one hand, and, on the other hand, points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, IN (points on and east of a line extending from the IN-KY line at Evansville, IN, then easterly along Indiana Hwy 66 to its junction with U.S. Hwy 231, then northeasterly along U.S. Hwy 231 to its junction with IN Hwy 67, then northeasterly along IN Hwy 87 to Indianapolis, IN, then northerly on U.S. Hwy 31 to Kokomo, IN, then northeasterly on U.S. Hwy 35 to its junction with IN Hwy 37, then northeasterly along IN Hwy 37 to the IN-OH line only), KS (points on and west of U.S. Hwy 81 only), KY, LA, ME, MD, MA, MI (points in the lower peninsula lying on, east, and north of a line extending from the MI-IN line along U.S. Hwy 27 to its junction with Interstate Hwy 94, then westerly on Interstate Hwy 94 to Battle Creek, MI, then westerly along MI Hwy 89 to Lake Michigan only), MS, MO (points on and south of U.S. Hwy 60 only), MA, NE (points on and west of U.S. Hwy 81 only), NV, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, UT, VT, VA, WV, and WY.

(12) Between points in IA located in Clayton (south of U.S. Hwy 18), DE, Dubuque, Jones, Jackson, Clinton, Dedar, and Scott Counties, IA, but not

including the Commercial Zone of Davenport, IA, on the one hand, and, on the other hand, points in AZ, CA, CO (points on and west of a line extending from the CO-WY line southerly along CO Hwy 13 to Rifle, CO, then easterly along U.S. Hwy 6 to its junction with CO Hwy 82, then southerly along CO Hwy 82 to its junction with CO Hwy 133, then southerly along CO Hwy 133 to its junction with CO Hwy 135, then southeasterly along CO Hwy 135 to Gunnison, CO, then westerly along U.S. Hwy 50 to its junction with CO Hwy 149, then southerly along CO Hwy 149 to its junction with U.S. Hwy 160, then easterly along U.S. Hwy 160 to Alamosa, CO, then southerly along U.S. Hwy 285 to the CO-NM line only), MT, NV, NM (points on and west of a line extending from the NM-CO line southerly along U.S. Hwy 285 to its junction with U.S. Hwy 85, then southerly along U.S. Hwy 85 to the NM-TX line only), TX (points in El Paso County only), UT, WY (points on and west of a line extending northerly from the WY-CO line along WY Hwy 789 to Creston, WY, then easterly along Interstate Hwy 80 to Rawlins, WY, then northerly along U.S. Hwy 287 to Muddy Gap, WY, then along WY Hwy 220 to Casper, WY, then northerly along U.S. Hwy 87 to its junction with WY Hwy 387, then northeasterly along WY Hwy 387 to its junction with WY Hwy 59, then northerly along WY Hwy 59 to Giltette, WY, then easterly along Interstate Hwy 90 to the WY-SD line only).

(13) Between points in IA south of U.S. Hwy 18, that are on and north of Interstate Hwy 80, but not including points in Clayton, DE, Dubuque, Jones, Jackson, Clinton, Cedar or Scott Counties or points in Kossuth, Humboldt, Webster, Boone or Dallas Counties, IA or west thereof, on the one hand, and, on the other hand, points in AZ, CA, ME, MA (points on and east of a line extending from the MA-RI line near Fall River, MA, then northerly along MA Hwy 24 to its junction with MA Hwy 28 to its junction with MA Hwy 3, then northerly along MA Hwy 3 to Boston, MA, then along Interstate Hwy 93 to the MA-NH line only), MT, NV, NH (points on and east of a line extending from the NH-MA line northerly along Interstate Hwy 93 to Plymouth, NH, then northerly along U.S. Hwy 3 to the NH-VT line at Lancaster, NH only), UT, and WY (points on and west of a line extending from the WY-CO line along WY Hwy 789 to Creston, WY, then easterly along Interstate Hwy 80 to Rawlins, WY, then northerly along U.S. Hwy 287 to Muddy Gap, WY, then northerly along WY Hwy 220 to Casper, WY, then easterly along U.S. Hwy 20 to the WY-NE line only).

(14) Between points in IA south of U.S. Hwy 18, that are on and north of

Interstate Hwy 80, but not including points in IA east of the counties of Kossuth, Humboldt, Webster, Boone and Dallas, on the one hand, and, on the other hand, points in AZ, CA, CT, DE, DC, ME, MD (points on and east of Interstate Hwy 81 only), MA, MT, NV, NH, NJ, NY (points on and east of a line extending from the NY-PA line northerly along U.S. Hwy 15 to its junction with NY Hwy 33A, then easterly to its junction with NY Hwy 18, then northerly along NY Hwy 18 to Lake Ontario only), NC (points on and east of a line extending from the Atlantic Ocean at Wilmington, NC northerly along U.S. Hwy 421 to its junction with NC Hwy 55, then northerly along NC Hwy 55 to Durham, NC, then northerly along U.S. Hwy 501 to the NC-VA line only), PA (points on and east of a line extending from the PA-MD line northerly along Interstate Hwy 81 to Harrisburg, PA, then northerly along U.S. Hwy 15 to the PA-NY line only), RI, UT, VT, VA (points on and east of a line extending from the VA-NC line northerly along U.S. Hwy 501 to Lexington, VA, then northerly along Interstate Hwy 81 to the VA-WV line only) and WY (points on, north and west of a line extending from the WY-UT line easterly along Interstate Hwy 80 to Rawlins, WY, then northerly along WY Hwy 789 to Muddy Gap, WY, then northerly along WY Hwy 220 to Casper, WY, then northerly along U.S. Hwy 87 to its junction with WY Hwy 387, then northeasterly along WY Hwy 387 to its junction with WY Hwy 59, then northerly along WY Hwy 59 to Gillette, WY, then easterly along Interstate Hwy 90 to the WY-SD line only).

(15) Between points in IA south of Interstate Hwy 80, that are west of U.S. Hwy 69, on the one hand, and, on the other hand, points in CA (points on and west of a line extending from the CA-Mexican border northerly along Interstate Hwy 5 to its junction with CA Hwy 14, then northerly along CA Hwy 14 to its junction with U.S. Hwy 395, then northerly along U.S. Hwy 395 to its junction with U.S. Hwy 6, then easterly along U.S. Hwy 6 to the CA-NV line only), CT, DE, DC, ME, MD (points on and east of a line extending from the MD-PA line southerly along U.S. Hwy 83 to Baltimore, MD, then southerly along Interstate Hwy 95 to the MD-VA line only), MA, MT, NV (points on and north of U.S. Hwy 6 only), NH, NJ, NY (points on and east of a line extending from the NY-PA line northerly along U.S. Hwy 15 to its junction with NY Hwy 33A, then easterly along NY Hwy 33A to its junction with NY Hwy 18, then northerly along NY Hwy 18 to Lake Ontario only), NC (points on and east of a line extending from the NC-VA line southerly along Interstate Hwy 95 to its junction with U.S. Hwy 117, then

southerly along U.S. Hwy 117 to the Atlantic Ocean near Wilmington, NC only), PA (points on and east of a line extending from the PA-NY line southerly along U.S. Hwy 15 to Harrisburg, PA, then southerly along Interstate Hwy 83 to the PA-MD line only), RI, UT (points on, north, and west of a line extending from the UT-NV line easterly along U.S. Hwy 6 to its junction with U.S. Hwy 91, then northerly along U.S. Hwy 91 to the UT-ID line only), VT, VA (points on and east of Interstate Hwy 95 only), and WY (points on and north of a line extending from Yellowstone National Park along U.S. Hwy 16 to Buffalo, WY, then easterly along Interstate Hwy 90 to the WY-SD line only).

(16) Between points in IA south of Interstate Hwy 80, that are on and east of U.S. Hwy 69, but not including points in the Davenport Commercial Zone, on the one hand, and, on the other hand, points in CA (points on, west and north of a line extending westerly from the CA-NV line along Interstate Hwy 15 to its junction with U.S. Hwy 395, then southerly along U.S. Hwy 395 to the CA-Mexico line only), MT, NV (points on and north of Interstate Hwy 15 only), UT (points on, north and west of a line extending from the UT-NV line easterly along U.S. Hwy 6 to its junction with U.S. Hwy 91, then northerly along U.S. Hwy 91 to the UT-ID line only), and WY (points on and north of a line extending from the WY-ID line easterly along U.S. Hwy 26 to its junction with U.S. Hwy 20, then easterly along U.S. Hwy 20 to the WY-NE line only).

(17) Between points in the Commercial Zone of Davenport, on the one hand, and, on the other hand, points in AZ, CA, CO (points on and west of U.S. Hwy 85 only), MT, NV, NM (points on and west of U.S. Hwy 85 only), TX (points in El Paso County only), UT, and WY (points on and west of a line extending from the WY-CO line northerly along U.S. Hwy 85 to Torrington, WY, then easterly along U.S. Hwy 26 to the WY-NE line only).

(18) Between points in the Commercial Zones of Des Moines and Waterloo, IA, on the one hand, and, on the other hand, points in AZ, CA, CT, DE, DC, ME, MD (points on and east of U.S. Hwy 81 only), MA, MT, NV, NH, NJ, NY (points on and east of a line extending from the NY-PA line northerly along U.S. Hwy 15 to its junction with NY Hwy 33A, then easterly along NY Hwy 33A to its junction with NY Hwy 18, then northerly along NY Hwy 18 to Lake Ontario only), NC (points on and east of a line extending from the Atlantic Ocean near Wilmington, NC, along U.S. Hwy 421 to its junction with NC Hwy 55, then northerly along NC Hwy 55 to Durham, NC, then northerly along U.S. Hwy 501 to the

NC-VA line only), PA (points on and east of a line extending from the PA-MD line northerly along Interstate Hwy 81 to Harrisburg, PA, then northerly along U.S. Hwy 15 to the PA-NY line only), RI, UT, VT, VA (points on and east of a line extending from the VA-NC line northerly along U.S. Hwy 501 to Lexington, VA, then northerly along Interstate Hwy 81 to the VA-WV line only), and WY (points on and west of a line extending from the WY-CO line northerly along WY Hwy 789 to Creston, WY, then easterly along Interstate Hwy 80 to Rawlins, WY, then northerly along U.S. Hwy 287 to Muddy Gap, WY, then northerly along WY Hwy 220 to Casper, WY, then easterly along U.S. Hwy 20 to the WY-NE line only).

(19) Between all points in MI located in the upper peninsula of MI, on the one hand, and, on the other hand, points in AZ, AR (points on and west of a line beginning at the AR-LA line northerly along U.S. Hwy 167 to Little Rock, AR, then northerly along U.S. Hwy 65 to the AR-MO line only), CA, CO, KS, LA (points on and west of LA Hwy 23 beginning at the Gulf of Mexico extending northwesterly to New Orleans, LA then northwesterly along U.S. Hwy 61 to Baton Rouge, LA, then westerly along U.S. Hwy 190 to its junction with U.S. Hwy 71, then northerly along U.S. Hwy 71 to its junction with U.S. Hwy 167, then northerly along U.S. Hwy 167 to the LA-AR line only), MO (points on and west of U.S. Hwy 65), MT, NE, NV, NM, OK, TX, UT and WY.

(20) Between all points in MI located in the lower peninsula of MI, on the one hand, and, on the other hand, points in AZ, CA, CO, NE (points on and north of Interstate Hwy 80 beginning at the NE-CO line near Julesburg, NE, extending easterly to North Platte, NE, then northerly along U.S. Hwy 83 to its junction with U.S. Hwy 20, then easterly along U.S. Hwy 20 to the NE-IA line only), NV, NM, ND, SD, UT, and WY. The purpose of this filing is to eliminate the gateways of points in MN.

No. MC 108119 (Sub-No. E45), filed July 11, 1976, Applicant: E. L. MURPHY TRUCKING CO., PO Box 3010, St. Paul, MN 55165. Applicant's representative: Mark E. Moser (same as above). *Metal and metal articles*, (1) between points in the State of CT, on the one hand, and, on the other, points in IA (points on and west of a line extending southerly from the IA-WI State line along U.S. Hwy 151 to its junction with U.S. Hwy 30, then westerly along U.S. Hwy 30 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to its junction with U.S. Hwy 34, then westerly along U.S. Hwy 34 to its junction with IA Hwy 5, then southerly along IA Hwy 5 to the IA-MO State line), MI (points in the

Upper Peninsula that are on and west of a line beginning at L'Anse, MI extending southerly along U.S. Hwy 41 to its junction with U.S. Hwy 141, then southerly along U.S. Hwy 141 to the MI-WI State line), MN, MO (points on, north and west of a line extending from the IA-MO State line along MO Hwy 5 to its junction with U.S. Hwy 136, then westerly along U.S. Hwy 136 to its junction with U.S. Hwy 169, then southerly along U.S. Hwy 169 to the St. Joseph, MO Commercial Zone), MT, ND, SD and WI (points on and west of a line extending from the MI-WI State line along U.S. Hwy 41 to its junction with WI Hwy 22, then southwesterly along WI Hwy 22 to its junction with WI Hwy 60, then westerly along WI Hwy 60 to its junction with WI Hwy 23, then along WI Hwy 23 to its junction with U.S. Hwy 151, then southerly along U.S. Hwy 151 to the IA-WI State line).

(2) Between points in the State of DE, on the one hand, and, on the other, points in IA (points on and west of a line extending from the IA-WI State line southerly along U.S. Hwy 151 to its junction with U.S. Hwy 30, then westerly along U.S. Hwy 30 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to its junction with IA Hwy 137, then southerly along IA Hwy 137 to its junction with IA Hwy 5, then southerly along IA Hwy 5 to the IA-MO State line), MI (points on and east of a line extending southerly along U.S. Hwy 41 from L'Anse, MI to its junction with U.S. Hwy 141, then southerly along U.S. Hwy 141 to the MI-WI State line), MN, MO (points on and west of a line extending from the IA-MO State line southerly along MO Hwy 5 to its junction with U.S. Hwy 136, then westerly along U.S. Hwy 136 to the MO-NE State line), MT, ND, SD, and WI (points on and west of a line extending southerly from the MI-WI State line along WI Hwy 55 to its junction with WI Hwy 22, then southwestward along WI Hwy 22 to its junction with WI Hwy 23, then southwestward along WI Hwy 23 to its junction with U.S. Hwy 151, then southerly along U.S. Hwy 151 to the IA-WI State line).

(3) Between points in the State of MD, on the one hand, and, on the other, points in IA (points on and west of a line extending southerly along U.S. Hwy 18 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to its junction with U.S. Hwy 20, then westerly along U.S. Hwy 20 to its junction with Interstate Hwy 35, then southerly along Interstate Hwy 35 to its junction with Interstate Hwy 80, then westerly along Interstate Hwy 80 to the IA-NE State line), MI (points on and west of a line extending southerly along U.S. Hwy 41 to its junction with MI Hwy 26, then southerly along MI Hwy 26 to its junction with U.S.

Hwy 45, then southerly along U.S. Hwy 45 to the MI-WI State line), MN, MT, ND, SD, and WI (points on and west of a line extending southerly from the MI-WI State line along U.S. Hwy 45 to its junction with WI Hwy 17, then southerly along WI Hwy 17 to its junction with U.S. Hwy 51, then southerly along U.S. Hwy 51 to its junction with WI Hwy 54, then westerly along WI Hwy 54 to its junction with WI Hwy 13, then southerly along WI Hwy 13 to its junction with WI Hwy 23, then southerly along WI Hwy 23 to its junction with U.S. Hwy 18, then westerly along U.S. Hwy 18 to the IA-WI State line).

(4) Between points in the Baltimore, MD Commercial Zone, on the one hand, and, on the other, points in IA (points on and west of a line extending from the IA-WI State line along U.S. Hwy 151 to its junction with U.S. Hwy 30, then westerly along U.S. Hwy 30 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to its junction with IA Hwy 92, then westerly along IA Hwy 92 to its junction with Interstate Hwy 35, then southerly along Interstate Hwy 35 to the IA-MO State line), MI (points in the Upper Peninsula that are on and west of a line extending southerly along U.S. Hwy 41 to its junction with MI Hwy 26, then southerly along MI Hwy 26 to its junction with U.S. Hwy 45, then southerly along U.S. Hwy 45 to the MI-WI State line), MN, MO (points on and west of a line extending southerly along U.S. Hwy 169 to its junction with U.S. Hwy 136, then westerly along U.S. Hwy 136 to its junction with MO Hwy 46, then westerly along MO Hwy 46 to its junction with U.S. Hwy 59, then southerly along U.S. Hwy 59 to its junction with U.S. Hwy 159, then along U.S. Hwy 159 to the MO-NE State line), MT, ND, SD and WI (points on and west of a line extending from the MI-WI State line along U.S. Hwy 45 to its junction with WI Hwy 52, then westerly along WI Hwy 52 to its junction with U.S. Hwy 51, then southerly along U.S. Hwy 51 to its junction with U.S. Hwy 16, then westerly along U.S. Hwy 16 to WI Hwy 23, then southwestward along WI Hwy 23 to its junction with U.S. Hwy 151, then southerly along U.S. Hwy 151 to the IA-WI State line).

(5) Between points in State of MA, on the one hand, and, on the other, points in IA (points on and west of a line extending from the IA-WI State line along U.S. Hwy 151 to its junction with IA Hwy 1, then southerly along IA Hwy 1 to its junction with IA Hwy 22, then westerly along IA Hwy 22 to its junction with IA Hwy 149, then southerly along IA Hwy 149 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to the IA-MO State line), MI (points in the Uper Peninsula that are on and west

of a line beginning at L'Anse, MI extending southerly along U.S. Hwy 41 to its junction with U.S. Hwy 141, then southerly along U.S. Hwy 141 to the MI-WI State line), MN, MO (points on and west of a line extending from the IA-MO State line along U.S. Hwy 63 to its junction with U.S. Hwy 136, then westerly along U.S. Hwy 136 to its junction with MO Hwy 5, then southerly along MO Hwy 5 to its junction with MO Hwy 6, then westerly along MO Hwy 6 to its junction with Interstate Hwy 35, then southerly along Interstate Hwy 35 to the MO-KS State line, including all points within the Kansas City, MO Commercial Zone), MT, ND, SD and WI (points on and west of a line extending southerly from Marinette, WI, along U.S. Hwy 41 to its junction with WI Hwy 22, then southerly along WI Hwy 22 to its junction with WI Hwy 33, then westerly along WI Hwy 33 to its junction with WI Hwy 23, then southerly along WI Hwy 23 to its junction with U.S. Hwy 151, then southerly along U.S. Hwy 151 to the IA-WI State line).

(6) Between points with the Commercial Zone of Boston, MA, on the one hand, and, on the other, points in IA (points on and west of a line extending southerly along U.S. Hwy 151 to its junction with IA Hwy 1, then southerly along IA Hwy 1 to its junction with IA Hwy 22, then westerly along IA Hwy 22 to its junction with IA Hwy 149, then southerly along IA Hwy 149 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to the IA-MO State line), MI (points in the Upper Peninsula that are on and west of a line beginning at L'Anse, MI, extending southerly along U.S. Hwy 41 to its junction with U.S. Hwy 141, then southerly along U.S. Hwy 141 to the MI-WI State line), MN MO (points on and west of a line extending from the IA-MO State line along U.S. Hwy 63 to its junction with MO Hwy 6, then westerly along MO Hwy 6 to its junction with U.S. Hwy 65, then southerly along U.S. Hwy 65 to its junction with U.S. Hwy 36, then westerly along U.S. Hwy 36 to its junction with Interstate Hwy 35, then southerly along Interstate Hwy 35 to its junction with MO Hwy 291, then southerly along MO Hwy 291 to its junction with MO Hwy 150, then westerly along MO Hwy 150 to the KS-MO State line), MO, ND, SD, and WS (points on and west of a line extending southerly along U.S. Hwy 41 to its junction with U.S. Hwy 151, then southerly along U.S. Hwy 151 to the IA-WI State line).

(7) Between points in the State of NJ, on the one hand, and, on the other, points in IA (points on and west of a line extending southerly along U.S. Hwy 151 to its junction with IA Hwy 149, then southerly along IA Hwy 149 to its junction with U.S. Hwy 6, then westerly along U.S. Hwy 6 to its

junction with U.S. Hwy 65, then southerly along U.S. Hwy 65 to the IA-MO State line), MI (points in the Upper Peninsula that are on and west of a line beginning at L'Anse, MI extending southerly along U.S. Hwy 41 to its junction with U.S. Hwy 141, then southerly along U.S. Hwy 141 to the MI-WI State line), MN, MO (points on and west of a line extending southerly along U.S. Hwy 65 to its junction with U.S. Hwy 136, then westerly along U.S. Hwy 136 to the MO-KS State line), MT, ND, SD and WI (points on and west of a line extending southerly from the MI-WI State line along U.S. Hwy 45 to its junction with WI Hwy 52, then westerly along WI Hwy 52 to its junction with U.S. Hwy 51, then southerly along U.S. Hwy 51 to its junction with WI Hwy 33, then westerly along WI Hwy 33 to its junction with WI Hwy 23, then southerly along WI Hwy 23 to its junction with U.S. Hwy 151, then southerly along U.S. Hwy 151 to the IA-WI State line).

(8) Between points in the State of NY, on the one hand, and, on the other, points in IA (points on and north of U.S. Hwy 20 to its junction with Interstate Hwy 35, then southerly along Interstate Hwy 35 to its junction with Interstate Hwy 80, then westerly along Interstate Hwy 80 to the IA-NE State line), MI (points in the Upper Peninsula on and west of U.S. Hwy 45), MN, MT, ND, SD and WI (points on and west of a line extending southerly along U.S. Hwy 51 to its junction with WI Hwy 54, then southwesterly along WI Hwy 54 to its junction with WI Hwy 13, then southerly along WI Hwy 13 to its junction with WI Hwy 21, then westerly along WI Hwy 21 to its junction with WI Hwy 80, then southwesterly along WI Hwy 80 to its junction with U.S. Hwy 151, then along U.S. Hwy 151 to the IA-WI State line).

(9) Between points within the Commercial Zone of Massena, NY, on the one hand, and, on the other, points in IA (points on and west of a line extending from the IA-WI State line along U.S. Hwy 61 to its junction with U.S. Hwy 151, then southerly along U.S. Hwy 151 to its junction with IA Hwy 149, then southerly along IA Hwy 149 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to the IA-MO State line), MI (points in the Upper Peninsula that are on and west of a line beginning at L'Anse, MI southerly along U.S. Hwy 41 to its junction MI Hwy 95, then southerly along MI Hwy 95 to the MI-WI State line), MN, MO (points on and west of a line extending from the IA-MO State line along MO Hwy 5 to its junction with MO Hwy 6, then southerly along MO Hwy 6 to its junction with Interstate Hwy 35, then southerly along Interstate Hwy 35 to the KS-MO State line, including all points

within the Kansas City, MO Commercial Zone), MT, ND, SD, and WI (points on and west of a line extending westerly along WI Hwy 64 to its junction with WI Hwy 32, then southerly along WI Hwy 32 to its junction with WI Hwy 22, then southerly along WI Hwy 22 to its junction with WI Hwy 33, then along WI Hwy 33 to its junction with WI Hwy 23, then southerly along WI Hwy 23 to its junction with U.S. Hwy 151, then southerly along U.S. Hwy 151 to the IA-WI State line).

(10) Between points in the State of PA, on the one hand, and, on the other, points in IA (points on and north of a line extending from the IA-WI State line along U.S. Hwy 52 to its junction with IA Hwy 13, then southerly along IA Hwy 13 to its junction with U.S. Hwy 20, then westerly along U.S. Hwy 20 to its junction with U.S. Hwy 69, then southerly along U.S. Hwy 69 to the Ames, IA Commercial Zone, then westerly along U.S. Hwy 30 to its junction with U.S. Hwy 71, then southerly along U.S. Hwy 71 to its junction with Interstate Hwy 80, then westerly along Interstate Hwy 80 to U.S. Hwy 59, then southerly along U.S. Hwy 59 to its junction with U.S. Hwy 6, then westerly along U.S. Hwy to the IA-NE State line), MN, MT, ND, SD and WI (points on and west of a line extending from the MI-WI State line along WI Hwy 77 to its junction with WI Hwy 13, then southerly along WI Hwy 13 to its junction with WI Hwy 80, then southerly along WI Hwy 80 to its junction with U.S. Hwy 18, then westerly along U.S. Hwy 18 to its junction with U.S. Hwy 61, then southerly along U.S. Hwy 61 to its junction with WI Hwy 81, then southwesterly along WI Hwy 81 to the IA-WI State line).

(11) Between points within the Commercial Zone of Bethlehem and Allentown, PA, on the one hand, and, on the other, points in IA (points on, north and west of a line extending southwesterly along U.S. Hwy 151 to its junction with IA Hwy 149, then southwesterly along IA Hwy 149 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to its junction with U.S. Hwy 34, then westerly along U.S. Hwy 34 to its junction with IA Hwy 5, then southerly along IA Hwy 5 to the IA-MO State line), MI (points in the Upper Peninsula that are on and west of a line extending southerly along U.S. Hwy 41 to its junction with MI Hwy 26, then southerly along MI Hwy 26 to its junction with U.S. Hwy 45, then southerly along U.S. Hwy 45 to the MI-WI State line), MN, MO (points on, north and west of a line extending southerly along MO Hwy 5 to its junction with U.S. Hwy 136, then westerly along U.S. Hwy 136 to its junction with U.S. Hwy 169, then southerly along U.S. Hwy 169 to its junction with U.S. Hwy 36,

then westerly along U.S. Hwy 36 to the KS-MO State line), MT, ND, SD and WI (points on and west of a line extending southerly along U.S. Hwy 45 to its junction with WI Hwy 110, then southerly along WI Hwy 110 to its junction with WI Hwy 49, then southerly along WI Hwy 49 to its junction with WI Hwy 23, then southwesterly along WI Hwy 23 to its junction with U.S. Hwy 151, then southwesterly along U.S. Hwy 151 to the IA-WI State line).

(12) Between points within the Commercial Zone of Warren, PA, on the one hand, and, on the other, points in IA (points on, north and west of a line extending westerly along U.S. Hwy 18 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to its junction with IA Hwy 57, then westerly along IA Hwy 57 to its junction with IA Hwy 14, then southerly along IA Hwy 14 to its junction with IA Hwy 330, then southwesterly along IA Hwy 330 to its junction with U.S. Hwy 65, then southerly along U.S. Hwy 65 to its junction with Interstate Hwy 80, then westerly along Interstate Hwy 80 to its junction with U.S. Hwy 169, then southerly along U.S. Hwy 169 to the IA-MO State line), MI (points in the Upper Peninsula that are on and west of U.S. Hwy 45), MN, MO (points on, north and west of a line extending southerly along U.S. Hwy 169 to its junction with U.S. Hwy 136, then westerly along U.S. Hwy 136 to its junction with MO Hwy 46, then westerly along MO Hwy 46 to its junction with U.S. Hwy 59, then southerly along U.S. Hwy 59 to its junction with U.S. Hwy 159, then southerly along U.S. Hwy 159 to the MO-NE State line), MT, ND, SD and WI (points on and west of a line extending southerly along U.S. Hwy 45 to its junction with WI Hwy 52, then westerly along WI Hwy 52 to its junction with U.S. Hwy 51, then southerly along U.S. Hwy 51 to its junction with WI Hwy 54, then southwesterly along WI Hwy 54 to its junction with WI Hwy 13, then southerly along WI Hwy 13 to its junction with WI Hwy 21, then westerly along WI Hwy 21 to its junction with WI Hwy 80, then southwesterly along WI Hwy 80 to its junction with WI Hwy 60, then southwesterly along WI Hwy 60 to the IA-WI State line).

(13) Between points in Pittsburgh, PA and its Commercial Zone, on the one hand, and, on the other, points in IA (points on and west of a line extending southwesterly along U.S. Hwy 18 to its junction with IA Hwy 150, then southerly along IA Hwy 150 to its junction with U.S. Hwy 20, then westerly along U.S. Hwy 20 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to its junction with U.S. Hwy 30, then westerly along U.S. Hwy 30 to its junction with IA Hwy 330, then southwesterly along IA Hwy

330 to its junction with U.S. Hwy 65, then southwesterly along U.S. Hwy 65 to its junction with U.S. Hwy 6, then westerly along U.S. Hwy 6 to its junction with IA Hwy 48, then southerly along IA Hwy 48 to its junction with IA Hwy 2, then westerly along IA Hwy 2 to the IA-NE State line), MI (points in the Upper Peninsula on and west of U.S. Hwy 45), MN, MT, ND, SD, and WI) points on and west of a line extending southerly along U.S. Hwy 45 to its junction with WI Hwy 29, then westerly along WI Hwy 29 to its junction with U.S. Hwy 51, then southerly along U.S. Hwy 51 to its junction with WI Hwy 54, then southwesterly along WI Hwy 54 to its junction with WI Hwy 173, then southwesterly along WI Hwy 173 to its junction with WI Hwy 131, then southwesterly along WI Hwy 131 to its junction with WI Hwy 60, then westerly along WI Hwy 60 to the IA-WI State line).

(14) Between points in the State of RI, on the one hand, and, on the other, points in IA (points on and west of a line extending from the IA-WI State line along U.S. Hwy 151 to its junction with IA Hwy 1, then southerly along IA Hwy 1 to its junction with IA Hwy 22, then westerly along IA Hwy 22 to its junction with Iowa Hwy 149, then southerly along IA Hwy 149 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to the IA-MO State line), MI (points in the Upper Peninsula that are on and west of a line extending from L'Anse, MI southerly along U.S. Hwy 41 to its junction with U.S. Hwy 141, then southerly along U.S. Hwy 141 to the MI-WI State line), MN, MO (points on and west of a line extending from the IA-MO State line along U.S. Hwy 63 to its junction with U.S. Hwy 136, then westerly along U.S. Hwy 136 to its junction with MO Hwy 5, then southerly along MO Hwy 5 to its junction with MO Hwy 6, then westerly along MO Hwy 6 to its junction with Interstate Hwy 35, then southerly along Interstate Hwy 35 to the MO-KS State line, including all points within the Kansas City, MO Commercial Zone), MT, ND, SD, and WI (points on and west of a line extending from the MI-WI State line along U.S. Hwy 41 to its junction with WI Hwy 44, then southwesterly along WI Hwy 44 to its junction with WI Hwy 22, then southerly along WI Hwy 22 to its junction with WI Hwy 60, then westerly along WI Hwy 60 to its junction with WI Hwy 23, then southwesterly along WI Hwy 23 to its junction with U.S. Hwy 151, then southerly along U.S. Hwy 151 to the IA-WI State line).

(15) Between points in the State of WV, on the one hand, and, on the other, points in IA (points on and west of a line extending from the IA-WI State line along U.S. Hwy 18 to its junction with U.S. Hwy 63, then

southerly along U.S. Hwy 63 to its junction with U.S. Hwy 20, then westerly along U.S. Hwy 20 to its junction with U.S. Hwy 69, then southerly along U.S. Hwy 69 to its junction with U.S. Hwy 30, then westerly along U.S. Hwy 30 to the IA-NE State line), MI (points on and west of a line extending southerly along U.S. Hwy 41 to its junction with MI Hwy 26, then southerly along MI Hwy 26 to its junction with U.S. Hwy 45, then southerly along U.S. Hwy 45 to the MI-WI State line), MN, ND, SD and WI (points on and west of a line extending southerly from the MI-WI State line along U.S. Hwy 51 to its junction with WI Hwy 21, then westerly along WI Hwy 21 to its junction with WI Hwy 80, then southerly along WI Hwy 80 to its junction with U.S. Hwy 18, then westerly along U.S. Hwy 18 to the IA-WI State line).

(16) Between points within the Commercial Zone of Wheeling, WV, on the one hand, and, on the other, points in IA (points on and north of a line extending westerly along U.S. Hwy 18 to its junction with IA Hwy 150, then southerly along IA Hwy 150 to its junction with Iowa Hwy 3, then westerly along IA Hwy 3 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to its junction with U.S. Hwy 30, then westerly along U.S. Hwy 30 to its junction with IA Hwy 25, then southerly along IA Hwy 25 to its junction with Interstate Hwy 80, then westerly along Interstate Hwy 80 to the IA-NE State line), MI (points in the Upper Peninsula that are on and west of U.S. Hwy 45), MN, MT, ND, SD, and WI (points on and west of a line extending southerly along U.S. Hwy 45 to its junction with WI Hwy 52, then westerly along WI Hwy 52 to its junction with U.S. Hwy 51, then southerly along U.S. Hwy 51 to its junction with WI Hwy 21, then westerly along WI Hwy 21 to its junction with WI Hwy 80, then southerly along WI Hwy 80 to its junction with WI Hwy 60, then westerly along WI Hwy 60 to its junction with U.S. Hwy 18, then westerly along U.S. Hwy 18 to the IA-WI State line).

(17) Between points within the Commercial Zone of Birmingham, AL, on the one hand, and, on the other, points in IA (points on, west and north of a line extending southwesterly along IA Hwy 13 to its junction with U.S. Hwy 20, then westerly along U.S. Hwy 20 to its junction with U.S. Hwy 169, then southerly along U.S. Hwy 169 to its junction with U.S. Hwy 30, then westerly along U.S. Hwy 30 to its junction with IA Hwy 141, then westerly along IA Hwy 141 to its junction with IA Hwy 175, then westerly along IA Hwy 175 to the IA-NE State line), MI (points in the Upper Peninsula that are on and west of a line extending southerly along U.S. Hwy 41 to its

junction with U.S. Hwy 2, then westerly along U.S. Hwy 2 to the MI-WI State line), MI, MT, ND, SD and WI (points on and west of a line extending southerly along U.S. Hwy 8 to its junction with WI Hwy 52, then southwesterly along WI Hwy 52 to its junction with U.S. Hwy 45, then southerly along U.S. Hwy 45 to its junction with WI Hwy 110, then southerly along WI Hwy 110 to its junction with WI Hwy 49, then southerly along WI Hwy 49 to its junction with WI Hwy 23, then westerly along WI Hwy 23 to its junction with WI Hwy 154, then southwesterly along WI Hwy 154 to its junction with WI Hwy 58, then southerly along WI Hwy 58 to its junction with WI Hwy 60, then westerly along WI Hwy 60 to the IA-WI State line).

(18) Between points within the Commercial Zone of Atlanta, GA, on the one hand, and, on the other, points in IA (points on and west of a line extending westerly along U.S. Hwy 18 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to its junction with U.S. Hwy 20, then westerly along U.S. Hwy 20 to its junction with U.S. Hwy 71, then southerly along U.S. Hwy 71 to its junction with IA Hwy 175, then westerly along IA Hwy 175 to its junction with IA Hwy 39, then southerly along IA Hwy 39 to its junction with U.S. Hwy 30, then westerly along U.S. Hwy 30 to the IA-NE state line), MI (points on and west of a line extending westerly from Marquette, MI along U.S. Hwy 41 to its junction with U.S. Hwy 141, then southerly along U.S. Hwy 141 to its junction with U.S. Hwy 2, then westerly along U.S. Hwy 2 to its junction with MI Hwy 189, then southerly along MI Hwy 189 to the MI-WI state line), MN, MT, ND, SD and WI (points on and west of a line extending southerly along WI Hwy 139 to its junction with U.S. Hwy 8, then southerly along U.S. Hwy 8 to its junction with WI Hwy 52, then southerly along WI Hwy 52 to its junction with WI Hwy 55, then southerly along WI Hwy 55 to its junction with WI Hwy 22, then southwesterly along WI Hwy 22 to its junction with WI Hwy 21, then westerly along WI Hwy 21 to its junction with WI Hwy 13, then southerly along WI Hwy 13 to its junction with WI Hwy 23, then southwesterly along WI Hwy 23 to its junction with WI Hwy 60, then westerly along WI Hwy 60 to its junction with U.S. Hwy 18, then westerly along U.S. Hwy 18 to the IA-WI state line).

(19) Between points in TX on and south of a line extending from the NM-TX line along TX Hwy 18 to Ft. Stockton, TX, then easterly along U.S. Hwy 290 to Junction, TX, then southeasterly along Interstate Hwy 10 to San Antonio, TX, then southeasterly along U.S. Hwy 81 to the Gulf of Mexico, on the one hand, and, on the

other hand, points in WI east of U.S. Hwy 51 that are south of U.S. Hwy 10, and points in MI located in the Lower Peninsula only.

(20) Between points within the Houston, TX, Commercial Zone, on the one hand, and, on the other, points in IL (points that lie on and north of a line extending westerly along IL Hwy 173 to its junction with U.S. Hwy 51, then southerly along U.S. Hwy 51 to its junction with U.S. Hwy 20, then westerly along U.S. Hwy 20 to the IL-IA State line), IA (points on and north of U.S. Hwy 20), MI (points in the Upper Peninsula only), MN, MT, ND, SD and WI.

(21) Between points in the Tarrant and Dallas Counties, TX on the one hand, and, on the other, points in IL (points on and north of a line extending from Lake Michigan along IL Hwy 22 to its junction with U.S. Hwy 14, then northerly along U.S. Hwy 14 to its junction with IL Hwy 176, then westerly along IL Hwy 176 to its junction with U.S. Hwy 20, then westerly along U.S. Hwy 20 to its junction with IL Hwy 26, then southerly along IL Hwy 26 to its junction with U.S. Hwy 52, then westerly along U.S. Hwy 52 to the IL-IA State line), IA (points on and north of U.S. Hwy 20), MI (points in the Upper Peninsula and points in the Lower Peninsula north of MI Hwy 72), MN, MT, ND, SD and WI.

(22) Between points within the Commercial Zone of Detroit, MI, on the one hand, and, on the other, points in AZ, CA, CO, IA (points on and north of a line extending westerly along U.S. Hwy 20 to its junction with U.S. Hwy 59, then southerly along U.S. Hwy 59 to its junction with U.S. Hwy 30, then southerly along U.S. Hwy 30 to its junction with U.S. Hwy 75, then southerly along U.S. Hwy 75 to the IA-NE State line), KS (points on and west of U.S. Hwy 81), MN, NE (points on and west of a line extending southerly along Interstate Hwy 80 to its junction with U.S. Hwy 77, then southerly along U.S. Hwy 77 to its junction with U.S. Hwy 136, then westerly along U.S. Hwy 136 to its junction with U.S. Hwy 81, then southerly along U.S. Hwy 81 to the KS-NE State line), NV, NM, ND, OK (points on, north and west of a line extending southerly along U.S. Hwy 81 to its junction with U.S. Hwy 60, then southerly along U.S. Hwy 60 to the OK-TX State line), SD, TX (points on and west of a line extending southerly along U.S. Hwy 60 to its junction with U.S. Hwy 83, then southerly along U.S. Hwy 83 to its junction with Interstate Hwy 10, then southerly along U.S. Hwy 181 to its end near Corpus Christi, TX), UT, WI (points on and west of a line extending southerly along WI Hwy 13 to its junction with WI Hwy 80, then southerly along WI Hwy 80 to its junction with WI Hwy

60, then westerly along WI Hwy 60 to its junction with U.S. Hwy 18, then westerly along U.S. Hwy 18 to the IA-WI State line), and WY.

(23) Between points in the Commercial Zone of Burns Harbor, IN, on the one hand, and, on the other, points in AZ, CA, CO, IA (points on and north of a line extending westerly along IA Hwy 9 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to its junction with U.S. Hwy 18, then westerly along U.S. Hwy 18 to its junction with U.S. Hwy 59, then southerly along U.S. Hwy 59 to its junction with IA Hwy 31, then southwesterly along IA Hwy 31 to its junction with U.S. Hwy 20, then westerly along U.S. Hwy 20 to the IA-NE State line), KS (points on and west of U.S. Hwy 83), MN, NE (points on and north of a line extending westerly along U.S. Hwy 20 to its junction with NE Hwy 70, then westerly along NE Hwy 70 to its junction with U.S. Hwy 83, then southerly along U.S. Hwy 83 to the KS-NE State line), NV, NM, ND, OK (points on and west of U.S. Hwy 54), SD, TX (points on and west of a line extending southerly along U.S. Hwy 54 to its junction with U.S. Hwy 87, then southerly along U.S. Hwy 87 to its junction with U.S. Hwy 281, then southerly along U.S. Hwy 281 to its junction with TX Hwy 9, then southerly along TX Hwy 9 to its junction with Interstate Hwy 37, then southerly along Interstate Hwy 37 to the Gulf of Mexico near Corpus Christi), UT, WI (points on and west of a line extending southerly from Lake Superior near Ashland, WI along U.S. Hwy 2 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to its junction with WI Hwy 27, then southerly along WI Hwy 27 to its junction with U.S. Hwy 53, then southerly along U.S. Hwy 53 to the IA-WI State line near La Crosse, WI), and WY.

(24) Between points within the Commercial Zone of Marion, OH, on the one hand, and, on the other, points in AZ, CA, CO (points on and west of a line extending from the NE-CO line southerly along Interstate Hwy 80S to its junction with U.S. Hwy 85, then southerly along U.S. Hwy 85 to the CO-NM State line), IA (points on and north of a line extending from the IA-WI State line along U.S. Hwy 18 to its junction with U.S. Hwy 65, then southerly along U.S. Hwy 65 to its junction with U.S. Hwy 20, then westerly along U.S. Hwy 20 to its junction with U.S. Hwy 71, then southerly along U.S. Hwy 71 to its junction with IA Hwy 175, then westerly along IA Hwy 175 to the IA-NE State line), MN, NE (points on and north of a line extending from the IA-NE State line westerly along NE Hwy 51, then along NE Hwy 51 to its junction with U.S. Hwy 275, then westerly along U.S. Hwy 275 to its junction with NE Hwy

70, then westerly along NE Hwy 70 to its junction with Interstate Hwy 80, then westerly along Interstate Hwy 80 to the CO-NE State line), NV, NM (points on and west of a line extending from the CO-NM State line along U.S. Hwy 85 to its junction with NM Hwy 3, then southerly along NM Hwy 3 to its junction with U.S. Hwy 54, then southerly along U.S. Hwy 54 to the NM-TX State line), ND, SD, UT, WI (points on and west of a line extending from the MI-WI State line along WI Hwy 77 to its junction with WI Hwy 13, then southerly along WI Hwy 13 to its junction with WI Hwy 80, then southwesterly along WI Hwy 80 to its junction with WI Hwy 173, then southwesterly along WI Hwy 173 to its junction with WI Hwy 21, then along WI Hwy 21 to its junction with U.S. Hwy 12, then southerly along U.S. Hwy 12 to its junction with WI Hwy 131, then southerly along WI Hwy 131 to its junction with WI Hwy 179, then westerly along WI Hwy 179 to its junction with WI Hwy 27, then along WI Hwy 27 to the IA-WI State line), and WY.

(25) Between points in the Commercial Zone of Middletown, OH, on the one hand, and, on the other, points in AZ (points on and west of a line extending from the AZ-NM line along U.S. Hwy 160 to its junction with U.S. Hwy 89, then southerly along U.S. Hwy 89 to its junction with Interstate Hwy 17, then southerly along Interstate Hwy 17 to its junction with Interstate Hwy 10, then southerly along Interstate Hwy 10 to its junction with AZ Hwy 93, then southerly along AZ Hwy 93 to the AZ-Mexico International Boundary), CA, CO (points on, north and west of a line extending from the CO-NE line southwesterly along Interstate Hwy 80 to its junction with U.S. Hwy 85, then along U.S. Hwy 85 to its junction with U.S. Hwy 285, then southwesterly along U.S. Hwy 285 to its junction with U.S. Hwy 50, then westerly along U.S. Hwy 50 to its junction with U.S. Hwy 550, then southerly along U.S. Hwy 550 to the CO-NM State line), IA (points on and north of a line extending from the IA-WI State line along U.S. Hwy 18 to its junction with U.S. Hwy 65, then southerly along U.S. Hwy 65 to its junction with IA Hwy 3, then westerly along IA Hwy 3 to its junction with U.S. Hwy 169, then southerly along U.S. Hwy 169 to its junction with IA Hwy 7, then westerly along IA Hwy 7 to its junction with U.S. Hwy 71, then southerly along U.S. Hwy 71 to its junction with U.S. Hwy 20, then westerly along U.S. Hwy 20 to the IA-NE State line), MN, NE (points on and north of a line extending from the IA-NE State line along U.S. Hwy 20 to its junction with NE Hwy 70, then along NE Hwy 70 to its junction with Interstate Hwy 80, then westerly along In-

terstate Hwy 80 to the CO-NE State line), NV, NM (points on and west of a line extending from the CO-NM line along U.S. Hwy 550 to its junction with NM Hwy 504, then westerly along NM Hwy 504 to the AZ-NM State line), ND, SD, UT, WI (points on and west of a line extending southerly from Lake Superior along WI Hwy 13 to its junction with WI Hwy 80, then southerly along WI Hwy 80 to its junction with WI Hwy 173, then southwesterly along WI Hwy 173 to its junction with WI Hwy 21, then westerly along WI Hwy 21 to its junction with U.S. Hwy 12, then southerly along U.S. Hwy 12 to its junction with WI Hwy 131, then southwesterly along WI Hwy 131 to its junction with WI Hwy 60, then southerly along WI Hwy 60 to its junction with U.S. Hwy 18, then northwesterly along U.S. Hwy 18 to Prairie du Chien at the IA-WI State line), and WY.

(26) Between points within the Commercial Zone of Warren, OH, on the one hand, and, on the other, points in AZ, CA, CO, IA (points on, north and west of a line extending from the IA-IL State line along U.S. Hwy 20 to its junction with IA Hwy 17, then southerly along IA Hwy 17 to its junction with U.S. Hwy 30, then westerly along U.S. Hwy 30 to its junction with IA Hwy 4, then southerly along IA Hwy 4 to its junction with IA Hwy 44, then westerly along IA Hwy 44 to its junction with U.S. Hwy 59, then southerly along U.S. Hwy 59 to its junction with IA Hwy 2, then southwesterly along IA Hwy 2 to the IA-NE State line), KS (points on and west of a line extending from the NE-KS State line southerly along U.S. Hwy 81 to its junction with KS Hwy 18, then westerly along KS Hwy 18 to its junction with U.S. Hwy 281, then southerly along U.S. Hwy 281 to its junction with U.S. Hwy 54, then westerly along U.S. Hwy 54 to its junction with U.S. Hwy 183, then southerly along U.S. Hwy 183 to the KS-OK State line), MN, NE (points on and west of a line extending from the IA-NE State line near Nebraska City, NE along U.S. Hwy 75 to its junction with U.S. Hwy 136, then westerly along U.S. Hwy 136 to its junction with U.S. Hwy 77, then southerly along U.S. Hwy 77 to the KS-NE State line), NV, NM, ND, OK (points on and west of a line extending from the KS-OK State line southerly along OK Hwy 34 to its junction with OK Hwy 15, then westerly along OK Hwy 15 to its junction with U.S. Hwy 283, then southerly along U.S. Hwy 283 to its junction with OK Hwy 51, then along OK Hwy 51 to the OK-TX State line), SD, TX (points on and west of a line extending from the OK-TX State line along U.S. Hwy 60 to its junction with U.S. Hwy 87, then southerly along U.S. Hwy 87 to its junction with TX Hwy 349, then southerly along TX

Hwy 349 to its junction with U.S. Hwy 90, then southeasterly along U.S. Hwy 90 to Del Rio, TX, then westerly along unnumbered highway to the International Boundary), UT, WI (points on and west of a line extending from the MI-WI State line southerly along U.S. Hwy 45 to its junction with WI Hwy 17, then southerly along WI Hwy 17 to its junction with U.S. Hwy 8, then westerly along U.S. Hwy 8 to its junction with WI Hwy 13, then southerly along WI Hwy 13 to its junction with WI Hwy 21, then westerly along WI Hwy 21 to its junction with WI Hwy 80, then southerly along WI Hwy 80 to its junction with U.S. Hwy 151, then southerly along U.S. Hwy 151 to the IL-WI State line), and WY.

(27) Between points within the Commercial Zone of Youngstown, OH, on the one hand, and, on the other, points in AZ, CA, CO, IA (points on and north of a line extending westerly along U.S. Hwy 18 to its junction with IA Hwy 150, then southerly along IA Hwy 150 to its junction with U.S. Hwy 20, then westerly along U.S. Hwy 20 to its junction with U.S. Hwy 69, then southerly along U.S. Hwy 69 to its junction with U.S. Hwy 30, then westerly along U.S. Hwy 30 to its junction with Interstate Hwy 29, then southerly along Interstate Hwy 29 to its junction with Interstate Hwy 80, then westerly along Interstate Hwy 80 to the IA-NE State line), KS (points on and west of a line extending southerly along U.S. Hwy 81 to its junction with U.S. Hwy 24, then westerly along U.S. Hwy 24 to its junction with U.S. Hwy 281, then southerly along U.S. Hwy 281 to its junction with U.S. Hwy 56, then southwesterly along U.S. Hwy 56 to its junction with U.S. Hwy 283, then southerly along U.S. Hwy 283 to its junction with U.S. Hwy 54, then southwesterly along U.S. Hwy 54 to the KS-OK State line), MN, NE (points on and west of a line extending southwesterly along Interstate Hwy 80 to its junction with U.S. Hwy 81, then southerly along U.S. Hwy 81 to the KS-NE State line), NV, NM, ND, OK (points on and west of a line extending from the KS-OK State line along U.S. Hwy 54 to its junction with OK Hwy 136, then southerly along OK Hwy 136 to the OK-TX State line), SD, TX (points on and west of a line extending southerly along TX Hwy 136 to its junction with U.S. Hwy 87, then southerly along U.S. Hwy 87 to its junction with TX Hwy 163, then southerly along TX Hwy 163 to its junction with U.S. Hwy 90, then southerly along U.S. Hwy 90 to Del Rio, then westerly along unnumbered highway to the International boundary), UT, WI (points on, north and west of a line extending westerly along WI Hwy 77 to its junction with WI Hwy 13, then southerly along WI Hwy 13 to its junction with WI Hwy 80,

then southerly along WI Hwy 80 to its junction with WI Hwy 60, then westerly along WI Hwy 60 to the IA-WI State line), and WY.

(28) Between points within the Commercial Zone of Phoenix, AZ, on the one hand, and, on the other, points in IL (points on and north of a line extending from the IL-IA State line along IL Hwy 9 to its junction with Interstate Hwy 74, then easterly along Interstate Highway 74 to the IL-IN State line), IN (points on and north of a line extending from the IL-IN State line along Interstate Hwy 74 to the IN-OH State line), IA (points on and north of a line extending from the IA-NE State line along Interstate Highway 29 to its junction with IA Hwy 141, then southerly along IA Hwy 141 to its junction with U.S. Hwy 30, then easterly along U.S. Hwy 30 to its junction with Interstate Hwy 35, then southerly along Interstate Hwy 35 to its junction with IA Hwy 2, then easterly along IA Hwy 2 to the IL-IA State line at Ft. Madison, IA), MI, MN, ND (points on and east of a line extending from the ND-Canadian boundary line along U.S. Hwy 83 to its junction with ND Hwy 200, then easterly along ND Hwy 200 to its junction with ND Hwy 3, then southerly along ND Hwy 3 to the ND-SD State line), OH (points on and east of a line extending southerly from the IN-OH State line along U.S. Hwy 27 to the OH-KY State line), SD (points on and east of a line extending from the ND-SD State line along SD Hwy 45 to its junction with SD Hwy 44, then easterly along SD Hwy 44 to its junction with SD Hwy 50, then southerly along SD Hwy 50 to its junction with U.S. Hwy 281, then southerly along U.S. Hwy 281 to the NE-SD State line), and WI.

(29) Between points within the Commercial Zone of Denver, CO, on the one hand, and, on the other, points in IL (points on and north of Interstate Hwy 80 to its junction with IL Hwy 88, then southerly along IL Hwy 88 to its junction with U.S. Hwy 24, then easterly along U.S. Hwy 24 to the IL-IN State line), IN (points on and north of a line extending from the IL-IN line along U.S. Hwy 52 to its junction with IN Hwy 28, then easterly along IN Hwy 28 to its junction with IN Hwy 9, then southerly along IN Hwy 9 to its junction with IN Hwy 32, then southerly along IN Hwy 32 to the IN-OH State line), IA (points on and north of a line extending from the SD-IA line along IA Hwy 10 to its junction with U.S. Hwy 75, then southerly along U.S. Hwy 75 to its junction with IA Hwy 3, then easterly along IA Hwy 3 to its junction with IA Hwy 7, then easterly along IA Hwy 7 to its junction with U.S. Hwy 169, then southerly along U.S. Hwy 169 to its junction with U.S. Hwy 20, then easterly along

U.S. Hwy 20 to its junction with IA Hwy 150, then southerly along IA Hwy 150 to its junction with the Cedar Rapids, IA Commercial Zone, then easterly from the Cedar Rapids, IA Commercial Zone along U.S. Hwy 30 to its junction with IA Hwy 38, then southeasterly along IA Hwy 38 to its junction with Interstate Hwy 80, then easterly along Interstate Hwy 80 to the IL-IA State line, including the Commercial Zone of Davenport, IA), MI, MN, ND (points on and east of a line extending from the Canada-ND line along ND Hwy 20 to its junction with ND Hwy 57, then along ND Hwy 57 to its junction with U.S. Hwy 281, then southerly along U.S. Hwy 281 to the ND-SD State line), OH (points on and north of a line extending from the IN-OH line along U.S. Hwy 36 to its junction with OH Hwy 49, then southerly along OH Hwy 49 to its junction with U.S. Hwy 35, then easterly along U.S. Hwy 35 to its junction with U.S. Hwy 68, then southerly along U.S. Hwy 68 to its junction with U.S. Hwy 22, then easterly along U.S. Hwy 22 to its junction with OH Hwy 73, then southerly along OH Hwy 73 to its junction with U.S. Hwy 62, then southerly along U.S. Hwy 62 to the OH-KY State line), SD (points on and east of a line extending southerly from the ND-SD line along SD Hwy 25 to its junction with SD Hwy 34, then westerly along SD Hwy 34 to its junction with SD Hwy 37 to its junction with U.S. Hwy 16, then southeasterly along U.S. Hwy 16 to its junction with U.S. Hwy 81, then southerly along U.S. Hwy 81 to its junction with U.S. Hwy 18, then easterly along U.S. Hwy 18 to its junction with SD Hwy 19, then southerly along SD Hwy 19 to its junction with SD Hwy 46, then easterly along SD Hwy 46 to the IA-SD State line), and WI.

(30) Between points within the Commercial Zone of Pueblo, CO, on the one hand, and, on the other, points in IL (points on and north of a line extending from the IL-IA State line along Interstate Hwy 80 to its junction with IL Hwy 47, then southerly along IL Hwy 47 to its junction with IL Hwy 17, then along IL Hwy 17 to its junction with IL Hwy 114, then easterly along IL Hwy 114 to the IL-IN State line), IN (points on and north of a line extending from the IL-IN State line along IN Hwy 114 to its junction with IN Hwy 43, then southerly along IN Hwy 43 to its junction with U.S. Hwy 24, then easterly along U.S. Hwy 24 to its junction with IN Hwy 15, then southeasterly along IN Hwy 15 to its junction with IN Hwy 18, then easterly along IN Hwy 18 to the IN-OH State line), IA (points on and north of a line extending easterly from the IA-SD State line along IA Hwy 10 to its junction with U.S. Hwy 59, then southerly along U.S. Hwy 59 to its

junction with IA Hwy 7, then southeasterly along IA Hwy 7 to its junction with U.S. Hwy 20, then easterly along U.S. Hwy 20 to its junction with U.S. Hwy 218, then southerly along U.S. Hwy 218 to its junction with U.S. Hwy 30, then easterly along U.S. Hwy 30 to its junction with IA Hwy 38, then southerly along IA Hwy 38 to its junction with Interstate Hwy 80, then easterly along Interstate Hwy 80 to the IA-IL State line, including all points within the Davenport, IA Commercial Zone as defined by this Commission), MI, MN, ND (points on and east of a line extending from the Canada-ND line along ND Hwy 1 to its junction with ND Hwy 5, then westerly along ND Hwy 5 to its junction with ND Hwy 20, then southerly along ND Hwy 20 to its junction with ND Hwy 57, then along ND Hwy 57 to its junction with U.S. Hwy 281, then southerly along U.S. Hwy 281 to the ND-SD State line), OH (points on and north of a line extending from the IN-OH Line easterly along OH Hwy 29 to its junction with U.S. Hwy 33, then easterly along U.S. Hwy 33 to its junction with Interstate Hwy 70, then easterly along Interstate Hwy 70 to the OH-WV State line), SD (points on and east of a line extending from the ND-SD line southerly along U.S. Hwy 281 to its junction with Interstate Hwy 90, then easterly along Interstate Hwy 90 to its junction with U.S. Hwy 16, then southeasterly along U.S. Hwy 16 to its junction with Interstate Hwy 29, then southerly along Interstate Hwy 29 to its junction with SD Hwy 46, then easterly along SD Hwy 46 to the IA-SD State line), and WI.

(31) Between points in the Salt Lake City, UT Commercial Zone, on the one hand, and, on the other points in IL, IN, IA (points on and north of a line extending from the IA-NE State line along U.S. Hwy 30 to its junction with Interstate Hwy 80, then easterly along Interstate Hwy 80 to its junction with Interstate Hwy 35, then southerly along Interstate Hwy 35 to its junction with U.S. Hwy 34, then easterly along U.S. Hwy 34 to its junction with IA Hwy 5, then southerly along IA Hwy 5 to its junction with IA Hwy 2, then easterly along IA Hwy 2 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to the IA-MO State line), MI, MN, MO (points on and east of a line extending from the IA-MO State line along U.S. Hwy 63 to its junction with MO Hwy 6, then easterly along MO Hwy 6 to its junction with U.S. Hwy 61, then southerly along U.S. Hwy 61 to its junction with Interstate Hwy 70, then easterly along Interstate Hwy 70, to its junction with Interstate Hwy 244, then southerly along Interstate Hwy 244, to its junction with U.S. Hwy 67, then southerly along U.S. Hwy 67 to the AR-MO State line), ND (points on and east of

a line extending from the Canada-ND Boundary along ND Hwy 20 to its junction with U.S. Hwy 2, then easterly along U.S. Hwy 2 to its junction with ND Hwy 1, then southerly along ND Hwy 1 to the ND-SD State line), OH, SD (points on and east of a line extending from the ND-SD State line along U.S. Hwy 281 to its junction with U.S. Hwy 14, then easterly along U.S. Hwy 14 to its junction with SD Hwy 37, then southerly along SD Hwy 37 to its junction with U.S. Hwy 16, then southeasterly along U.S. Hwy 16 to its junction with U.S. Hwy 81, then southerly along U.S. Hwy 81 to the NE-SD State line), and WI.

(32) Between points within the Commercial Zone of Coatesville, PA, on the one hand, and, on the other, points in IA (points on and north of a line extending westerly along U.S. Hwy 151 to its junction with U.S. Hwy 218, then southerly along U.S. Hwy 218 to its junction with Interstate Hwy 80, then westerly along Interstate Hwy 80 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to its junction with IA Hwy 92, then easterly along IA Hwy 92 to its junction with U.S. Hwy 65, then southerly along U.S. Hwy 65 to the IA-MO State line), MI (points in the Upper Peninsula that are on and west of U.S. Hwy 45), MN, MO (points on, west and north of a line extending southerly along U.S. Hwy 65 to its junction with U.S. Hwy 136, then westerly along U.S. Hwy 136 to the MO-NE State line), MT, ND, SD and WI (points that are on and west of a line extending southerly along U.S. Hwy 45 to its junction with WI Hwy 17, then southerly along WI Hwy 17 to its junction with U.S. Hwy 51, then southerly along U.S. Hwy 51 to its junction with WI Hwy 78, then southwesterly along WI Hwy 78 to its junction with U.S. Hwy 14, then westerly along U.S. Hwy 14 to its junction with WI Hwy 23, then southerly along WI Hwy 23 to its junction with U.S. Hwy 151, then southerly along U.S. Hwy 151 to the IL-WI State line).

(33) Between points within the Doraville, GA Commercial Zone on the one hand, and, on the other, points in IA (points on and north of a line extending easterly along U.S. Hwy 20 to its junction with IA Hwy 150, then northerly along IA Hwy 150 to its junction with U.S. Hwy 18, then easterly along U.S. Hwy 18 to the IA-WI State line), MI (points in the upper peninsula that are on and west of a line extending northerly along U.S. 45 to its junction with MI Hwy 28, then easterly along MI Hwy 28 to Lake Superior at Marquette, MI), MN, MT, ND, SD, and WI (points on and west of a line extending southerly along U.S. Hwy 45 to its junction with WI Hwy 29, then westerly along WI Hwy 29 to its junction with WI Hwy 49, then southerly along WI Hwy 49 to its junc-

tion with WI Hwy 22, then southerly along WI Hwy 22 to its junction with WI Hwy 60, then westerly along WI Hwy 60 to the IA-WI State line).

(34) Between points within the Commercial Zone of Chattanooga, TN, on the one hand, and, on the other, points in IA (points on and north of a line extending along U.S. Hwy 18 to its junction with IA Hwy 13, then southerly along IA Hwy 13 to its junction with IA Hwy 3, then westerly along IA Hwy 3 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to its junction with U.S. Hwy 20, then westerly along U.S. Hwy 20 to the IA-NE State line), MI (points on and west of a line extending southerly from Copper Harbor, MI along U.S. Hwy 41 to its junction with MI Hwy 26, then southerly along MI Hwy 26 to its junction with U.S. Hwy 45, then southerly along U.S. Hwy 45 to the MI-WI State line), MN, MT, ND, SD, and WI (points on, north and west of a line extending from the MI-WI State line along U.S. Hwy 45 to its junction with U.S. Hwy 8, then westerly southerly along U.S. Hwy 8 to its junction with U.S. Hwy 51, then southerly along U.S. Hwy 51 to its junction with WI Hwy 54, then southwesterly along WI Hwy 54 to its junction with WI Hwy 13, then southerly along WI Hwy 13 to its junction with U.S. Hwy 12, then southerly along U.S. Hwy 12 to its junction with WI Hwy 60, then westerly along WI Hwy 60 to the IA-WI State line).

(35) Between points within the Commercial Zone of Sheffield, AL, on the one hand, and, on the other, points in IA (points on and north of a line extending along U.S. Hwy 18 to its junction with IA Hwy 13, then southerly along IA Hwy 13 to its junction with IA Hwy 3, then westerly along IA Hwy 3 to its junction with U.S. Hwy 63, then southerly along U.S. Hwy 63 to its junction with U.S. Hwy 20, then westerly along U.S. Hwy 20 to its junction with U.S. Hwy 69, then northerly along U.S. Hwy 69 to its junction with IA Hwy 3, then westerly along IA Hwy 3 to its junction with U.S. Hwy 75, then southwesterly along U.S. Hwy 75 to its junction with U.S. Hwy 20, then westerly along U.S. Hwy 20 to the IA-NE State line), MI (points on and west of a line extending westerly from Marquette, MI along U.S. Hwy 41 to its junction with U.S. Hwy 141, then southerly along U.S. Hwy 141 to its junction with U.S. Hwy 2, then westerly along U.S. Hwy 2 to its junction with MI Hwy 189, then southerly along MI Hwy 189 to the MI-WI State line), MN, MT, ND, SD, and WI (points on, west and north of a line extending southerly along WI Hwy 139 to its junction with U.S. Hwy 8, then westerly along U.S. Hwy 8 to its junction with U.S. Hwy 45, then southerly along U.S. Hwy 45 to its junction with

WI Hwy 29, then westerly along WI Hwy 29 to its junction with U.S. Hwy 51, then southerly along U.S. Hwy 51 to its junction with WI Hwy 54, then southwesterly along WI Hwy 54 to its junction with WI Hwy 13, then southerly along WI Hwy 13 to its junction with U.S. Hwy 12, then southerly along U.S. Hwy 12 to its junction with WI Hwy 60, then westerly along WI Hwy 60 to the IA-WI State line).

(36) Between points within the Commercial Zone of Geneva, UT, on the one hand, and, on the other, points in IA (points on, east and north of a line extending southeasterly along U.S. Hwy 275 to its junction with U.S. Hwy 34, then easterly along U.S. Hwy 34 to its junction with U.S. Hwy 59, then easterly along U.S. Hwy 59 to the IA-MO State line), IL, IN, MI, MN, MO (points on, east and north of a line extending southerly along U.S. Hwy 59 to its junction with U.S. Hwy 136, then easterly along U.S. Hwy 136 to its junction with U.S. Hwy 65, then southerly along U.S. Hwy 65 to its junction with U.S. Hwy 50, then easterly along U.S. Hwy 50 to its junction with MO Hwy 135, then southerly along MO Hwy 135 to its junction with MO Hwy 5, then southerly along MO Hwy 5 to its junction with MO Hwy 32, then easterly along MO Hwy 32 to its junction with MO Hwy 72, then southeasterly along MO Hwy 72 to its junction with MO Hwy 49, then southerly on MO Hwy 49 to its junction with U.S. Hwy 67, then southerly along U.S. Hwy 67 to the AR-MO State line), ND (points on, and east of U.S. Hwy 281), OH, SD (points on, east and north of a line extending southerly along U.S. Hwy 281 to its junction with SD Hwy 10, then westerly along SD Hwy 10 to its junction with SD Hwy 45, then southerly along SD Hwy 45 to its junction with SD Hwy 50, then southerly along SD Hwy 50 to its junction with U.S. Hwy 281, then southerly along U.S. Hwy 281 to the NE-SD State line), and WI.

(37) Between points in WI that are on and west of a line extending southerly along WI Hwy 169 to its junction with WI Hwy 13, then southerly along WI Hwy 13 to its junction with Wood County Hwy H, then easterly along Wood County Hwy H to its junction with WI Hwy 80, then southerly along WI Hwy 80 to its junction with WI Hwy 173, then southwesterly along WI Hwy 173 to its junction with U.S. Hwy 16, then westerly along U.S. Hwy 16 to its junction with WI Hwy 131, then southerly along WI Hwy 131 to its junction with U.S. Hwy 61, then southerly along U.S. Hwy 61 to its junction with WI Hwy 60, then westerly along WI Hwy 60 to its junction with U.S. Hwy 18, then westerly along U.S. Hwy 18 to the IA-WI State line, on the one hand, and, on the other, points in the States of CT, DE, DC,

ME, MD, MA, MI (points in and east of the Counties of Hillsdale, Jackson, Ingham, Shiawassee, Saginaw and that portion of Bay County on and east of MI Hwy 15), NH, NJ, NY, OH, PA, RI, VT and WV.

(38) Between points in WI that are on and west of a line extending southerly along U.S. Hwy 51 to its junction with WI Hwy 47, then southerly along WI Hwy 47 to its junction with the eastern boundary of Iron County, then southerly along the eastern boundary of Iron, Price and Taylor Counties to the junction of the eastern boundary of Taylor County and WI Hwy 64, then westerly along WI Hwy 64 to its junction with WI Hwy 97, then southerly along WI Hwy 97 to its junction with WI Hwy 13, and that portion of WI that lies east of a line beginning at the junction of WI Hwys 97 and 13 extending northerly along WI Hwy 13 to its junction with WI Hwy 169, then northeasterly along WI Hwy 169 to the MI-WI State line, on the one hand, and, on the other, points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, OH (points that lie on and east of a line extending southerly along U.S. Hwy 23 to its junction with U.S. Hwy 25, then southerly along U.S. Hwy 25 to its junction with OH Hwy 29, then westerly along OH Hwy 29 to the IN-OH State line), PA, RI, VT and WV.

(39) Between points in WI that lie on and west of a line extending southerly along U.S. Hwy 45 to its junction with WI Hwy 70, then westerly along WI Hwy 70 to its junction with U.S. Hwy 51, then southerly along U.S. Hwy 51 to its junction with U.S. Hwy 8, then westerly along U.S. Hwy 8 to its junction with the eastern boundary of Price County, and those points that lie east of a line beginning at the U.S. Hwy 8, Price County junction extending northerly along the eastern boundary of Price and Iron Counties to its junction with WI Hwy 47, then northerly along WI Hwy 47 to its junction with U.S. Hwy 51, then northerly along U.S. Hwy 51 to the MI-WI State line, on the one hand, and, on the other, points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, OH (points on and east of a line extending southerly along OH Hwy 4 to its junction with OH Hwy 423, then southerly along OH Hwy 423 to its junction with U.S. Hwy 23, then southerly along U.S. Hwy 23 to its junction with Interstate Hwy 70, then westerly along Interstate Hwy 70 to its junction with OH Hwy 444, then southerly along OH Hwy 444 to its junction with OH Hwy 4, then westerly along OH Hwy 4 to its junction with Interstate Hwy 75, then southerly along Interstate Hwy 75 to the KY-OH State line), PA, RI, VT, and WV.

(40) Between points in WI that are on and west of a line extending southerly along WI Hwy 55 to its junction

with unnumbered highway near Rat Lake, then westerly along unnumbered highway to its junction with WI Hwy 32, then westerly along WI Hwy 32 to its junction with U.S. Hwy 45, then westerly along U.S. Hwy 45 to its junction with Oneida County Hwy A, then westerly along Oneida County Hwy A to its junction with U.S. Hwy 8, then westerly along U.S. Hwy 8 to its junction with WI Hwy 17, then southerly along WI Hwy 17 to its junction with U.S. Hwy 51, then southerly along U.S. Hwy 51 to its junction with WI Hwy 34, then southerly along WI Hwy 34 to its junction with WI Hwy 13, then southerly along WI Hwy 13 to its junction with WI Hwy 21, then westerly along WI Hwy 21 to its junction with Juneau County Hwy Q, then southerly along Juneau County Hwy Q to its junction with WI Hwy 80, then southwesterly along WI Hwy 80 to its junction with Grant County Hwy G, then southwesterly along Grant County Hwy G to its junction with Grant County Hwy M, then southwesterly along Grant County Hwy M to its junction with Grant County Hwy T, then southwesterly along Grant County Hwy T to its junction with U.S. Hwy 61, then southerly along U.S. Hwy 61 to its junction with WI Hwy 81, then southerly along WI Hwy 81 to the IA-WI State line, on the one hand, and, on the other, points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, OH (points on and east of a line extending southerly along OH Hwy 3 to its junction with OH Hwy 94, then southerly along OH Hwy 94 to its junction with Interstate Hwy 76, then westerly along Interstate Hwy 76 to its junction with OH Hwy 57, then southerly along OH Hwy 57 to its junction with U.S. Hwy 30, then westerly along U.S. Hwy 30 for one mile to its junction with unnumbered highway, then southwesterly along unnumbered highway to its junction with OH Hwy 83, then southerly along OH Hwy 83 to its junction with OH Hwy 16, then southwesterly along OH Hwy 16 to its junction with OH Hwy 60, then southerly along OH Hwy 60 to its junction with OH Hwy 93, then southerly along OH Hwy 93 to its junction with OH Hwy 13, then southerly along OH Hwy 13 to its junction with U.S. Hwy 50, then southerly along U.S. Hwy 50 to its junction with OH Hwy 346, then southerly along OH Hwy 346 to its junction with OH Hwy 139, then southerly along OH Hwy 139 to the KY-OH State line), PA, RI, VT and WV.

(41) Between points in WI that are on and west of a line extending northerly from Summit Lake, WI along WI Hwy 47 to its junction with U.S. Hwy 8, then easterly along U.S. Hwy 8 to its junction with WI Hwy 55, then northerly along WI Hwy 55 to its junction with unnumbered Hwy near Rat Lake,

and those points that lie south and east of a line beginning at said junction extending westerly along unnumbered Hwy to its junction with WI Hwy 32, then westerly along WI Hwy 32 to its junction with U.S. Hwy 45, then westerly along U.S. Hwy 45 to its junction with Oneida County Hwy A, then westerly along Oneida County Hwy A to its junction with WI Hwy 17, then southerly along WI Hwy 17 to its junction with Langlade County Highway H near Parrish, WI, then southerly along Langlade County Hwy H to its junction with Langlade County Hwy T, then easterly along Langlade County Hwy T to its junction with U.S. Hwy 45 at the point of beginning near Summit Lake, on the one hand, and, on the other, points in CT, DE, DC, ME, MD, MA, NH, NJ, NY (points on and east of a line extending southerly along NY Hwy 60 to its junction with U.S. Hwy 62, then southerly along U.S. Hwy 62 to the NY-PA State line), PA (points in PA on and east of a line extending southerly along U.S. Hwy 62 to its junction with U.S. Hwy 6 to its junction with PA Hwy 321, then southeasterly along PA Hwy 321 to its junction with U.S. Hwy 219 then southerly along U.S. Hwy 219 to its junction with U.S. Hwy 119, then southerly along U.S. Hwy 119 to the PA-WV State line), RI, VT and WV (points on and east of a line extending southerly along U.S. Hwy 119 to its junction with WV Hwy 73, then southerly along WV Hwy 73 to its junction with Interstate Hwy 79, then southerly along Interstate Hwy 79 to its junction with U.S. Hwy 19 near Jane Lew, WV, then southerly along U.S. Hwy 19 to its junction with WV Hwy 16, then westerly along WV Hwy 16 to its junction with unnumbered Hwy near Pineville, WV, then westerly along unnumbered Hwy to its junction with U.S. Hwy 52, then westerly along U.S. Hwy 52 to the KY-WV State line).

(42) Between points in WI on and west of a line extending southerly along WI Hwy 139 to its junction with U.S. Hwy 8, then southerly along U.S. Hwy 8 to its junction with WI Hwy 52, then southerly along WI Hwy 52 to its junction with U.S. Hwy 45, then southerly along U.S. Hwy 45 to its junction with WI Hwy 29, then westerly along WI Hwy 29 to its junction with WI Hwy 49, then southerly along WI Hwy 49 to its junction with WI Hwy 66, then southwesterly along WI Hwy 66 to its junction with U.S. Hwy 51, then southerly along U.S. Hwy 51 to its junction with WI Hwy 82, then westerly along WI Hwy 82 to its junction with WI Hwy 13, then southerly along WI Hwy 13 to its junction with U.S. Hwy 16, then westerly along U.S. Hwy 16 to its junction with U.S. Hwy 12, then southerly along U.S. Hwy 12 to its junction with WI Hwy 33, then westerly along WI Hwy 33 to its junction

with WI Hwy 23, then southerly along WI Hwy 23 to its junction with WI Hwy 154, then westerly along WI Hwy 154 to its junction with WI Hwy 58, then southerly along WI Hwy 58 to its junction with U.S. Hwy 14, then westerly along U.S. Hwy 14 to its junction with WI Hwy 80, then southerly along WI Hwy 80 to its junction with Grant County Hwy G, then southwesterly along Grant County Hwy G to its junction with Grant County Hwy M, then southwesterly along Grant County Highway M to its junction with Grant County Hwy T, then southwesterly along Grant County Hwy T to its junction with U.S. Hwy 61, then southerly along U.S. Hwy 61 to its junction with WI Hwy 81, then southwesterly along WI Hwy 81 to the IA-WI State line, on the one hand, and, on the other, points in CT, DE, DC, ME, MD (points on and east of U.S. Hwy 220), MA, NH, NJ, NY (points on and east of a line extending southerly along NY Hwy 438 to its junction with U.S. Hwy 62, then southerly along U.S. Hwy 62 to its junction with NY Hwy 353, then southerly along NY Hwy 353 to its junction with NY Hwy 17, then easterly along NY Hwy 17 to its junction with U.S. Hwy 219, then southerly along U.S. Hwy 219 to the NY-PA State line), PA (points on and east of a line extending southerly along U.S. Hwy 219 to its junction with PA Hwy 46, then southeasterly along PA Hwy 46 to its junction with PA Hwy 120, then southerly along PA Hwy 120 to its junction with unnumbered Hwy near Sinnemahoning, PA, then southerly along unnumbered Hwy to its junction with PA Hwy 53 near Kylerstown, PA then southerly along PA Hwy 53 to its junction with PA Hwy 350, then southerly along PA Hwy 350 to its junction with U.S. Hwy 220, then southerly along U.S. Hwy 220 to the MD-PA State line), RI, VT, and WV (points on and east of a line extending southerly along U.S. Hwy 219 to its junction with WV Hwy 15, then easterly along WV Hwy 15 to its junction with WV Hwy 20, then southerly along WV Hwy 20 to its junction with U.S. Hwy 60, then westerly along U.S. Hwy 60 to its junction with U.S. Hwy 19, then southerly along U.S. Hwy 19 to its junction with WV Hwy 16, then westerly along WV Hwy 16 to its junction with unnumbered Hwy near Pineville, WV, then westerly along unnumbered Hwy to its junction with U.S. Hwy 52, then westerly along U.S. Hwy 52 to the KY-WV State line).

(43) Between points in WI that are on and west of a line extending southerly along U.S. Hwy 141 to its junction with WI Hwy 70, then westerly along WI Hwy 70 to its junction with WI Hwy 101, then southerly along WI Hwy 101 to its junction with the northeast boundary of Forest County,

then southerly along the eastern and westerly along the southern boundary of Forest County to its junction with WI Hwy 32, then southerly along WI Hwy 32 to its junction with WI Hwy 64, then westerly along WI Hwy 64 to its junction with WI Hwy 55, then southerly along WI Hwy 55 to its junction with WI Hwy 29, then westerly along WI Hwy 29 to its junction with Shawano County Hwy G, then southerly along Shawano County Hwy G to its junction with WI Hwy 110, then southerly along WI Hwy 110 to its junction with Waupaca County Hwy C, then westerly along Waupaca County Hwy C to its junction with Waupaca County Hwy E, then southerly along Waupaca County Hwy E to its junction with U.S. Hwy 10, then westerly along U.S. Hwy 10 to its junction with WI Hwy 22, then southerly along WI Hwy 22 to its junction with WI Hwy 21, then easterly along WI Hwy 21 to its junction with WI Hwy 73, then southerly along WI Hwy 73 to WI Hwy 23, then westerly along WI Hwy 23 to its junction with WI Hwy 82, then westerly along WI Hwy 82 to its junction with WI Hwy 13, then southerly along WI Hwy 13 to its junction with U.S. Hwy 16, then westerly along U.S. Hwy 16 to its junction with U.S. Hwy 12, then southerly along U.S. Hwy 12 to its junction with WI Hwy 33, then westerly along WI Hwy 33 to its junction with WI Hwy 23, then southerly along WI Hwy 23 to its junction with WI Hwy 154, then westerly along WI Hwy 154 to its junction with WI Hwy 58, then southerly along WI Hwy 58 to its junction with U.S. Hwy 14, then westerly along U.S. Hwy 14 to its junction with WI Hwy 80, then southerly along WI Hwy 80 to its junction with Grant County Hwy G, then southwestwardly along Grant County Hwy G to its junction with Grant County Hwy M, then southwestwardly along Grant County Hwy M to its junction with Grant County Hwy T, then southwestwardly along Grant County Hwy T to its junction with U.S. Hwy 61, then southerly along U.S. Hwy 61 to its junction with WI Hwy 81, then southwestwardly along WI Hwy 81 to the IA-WI State line, on the one hand, and, on the other, points in CT, DE, DC, ME, MD (points on and east of a line extending southerly along U.S. Hwy 1 to its junction with Interstate Hwy 95, then southerly along Interstate Hwy 95 to the MD-VA State line), MA, NH, NJ, NY (points on and east of a line extending southerly along NY Hwy 14 to its junction with NY Hwy 224, then southeasterly along NY Hwy 224 to its junction with NY Hwy 34, then southerly along NY Hwy 34 to the NY-PA State line), PA (points on and east of a line extending southerly along U.S. Hwy 220 to its junction with U.S. Hwy 6, then southeasterly along U.S. Hwy 6

to its junction with PA Hwy 309, then southerly along PA Hwy 309 to its junction with PA Hwy 443, then southerly along PA Hwy 443 to its junction with PA Hwy 895, then southerly along PA Hwy 895 to its junction with PA Hwy 61, then southerly along PA Hwy 61 to its junction with PA Hwy 10, then southerly along PA Hwy 10 to its junction with U.S. Hwy 1, then southerly along U.S. Hwy 1 to the MD-PA State line), RI, and VT.

(44) Between points in WI that are on and west of a line extending westerly along WI Hwy 64 to its junction with WI Hwy 32, then southerly along WI Hwy 32 to its junction with WI Hwy 22, then westerly along WI Hwy 22 to its junction with WI Hwy 117, then southerly along WI Hwy 117 to its junction with WI Hwy 47, then southerly along WI Hwy 47 to its junction with WI Hwy 54, then southwestwardly along WI Hwy 54 to its junction with U.S. Hwy 45, then southerly along U.S. Hwy 45 to its junction with the eastern boundary of Waupaca County, then southerly along the eastern Waupaca County line to its junction with U.S. Hwy 10, then easterly along U.S. Hwy 10 to its junction with WI Hwy 49, then southerly along WI Hwy 49 to its junction with WI Hwy 23, then westerly along WI Hwy 23 to its junction with WI Hwy 73, then southerly along WI Hwy 73 to its junction with WI Hwy 44, then southwestwardly along WI Hwy 44 to its junction with WI Hwy 33, then westerly along WI Hwy 33 to its junction with U.S. Hwy 51, then southerly along U.S. Hwy 51 to WI Hwy 60, then westerly along WI Hwy 60 to its junction with WI Hwy 23, then southerly along WI Hwy 23 to U.S. Hwy 151, then southerly along U.S. Hwy 151 to the IL-WI State line, on the one hand, and, on the other, points in CT, ME, MA, NH, NJ (points on and east of a line extending southerly along U.S. Hwy 202 to its junction with NJ Hwy 208, then southeasterly along NJ Hwy 208 to its junction with NJ Hwy 4, then easterly along NJ Hwy 4 to the Hudson River, then beginning on NJ Hwy 36 at Highland Beach extending southerly along NJ Hwy 36 to its junction with NH Hwy 35, then southerly along NJ Hwy 35 to its junction with NJ Hwy 70, then southerly along NJ Hwy 70 to its junction with U.S. Hwy 9, then southerly along U.S. Hwy 9 to Cape May, NJ), NY (points on and east of a line extending southerly along NY Hwy 56 to its junction with NY Hwy 3, then easterly along NY Hwy 3 to its junction with NY Hwy 30, then southerly along NY Hwy 30 to its junction with NY Hwy 28, then southeasterly along NY Hwy 28 to its junction with Interstate Hwy 87, then southerly along Interstate Hwy 87 to the NJ-NY State line), RI and VT.

(45) Between points in WI that are on and west of a line extending southerly from Green Bay, WI along U.S. Hwy 41 to its junction with WI Hwy 47, then southerly along WI Hwy 47 to its junction with WI Hwy 44, then southwestwardly along WI Hwy 44 to its junction with WI Hwy 103, then westerly along WI Hwy 103 to WI Hwy 73, then southerly along WI Hwy 73 to its junction with U.S. Hwy 151, then southwestwardly along U.S. Hwy 151 to its junction with WI Hwy 78, then southerly along WI Hwy 78 to the IL-WI State line, on the one hand, and, on the other, points in CT (points on and east of a line extending southerly along CT Hwy 131 to its junction with CT Hwy 12, then southerly along CT Hwy 12 to its junction with CT Hwy 32, then southerly along CT Hwy 32 to its end near New London, CT), ME, MA (points on and east of a line extending southerly along MA Hwy 12 to its junction with MA Hwy 31, then southerly along MA Hwy 31 to the CT-MA State line), NH (points on and east of U.S. Hwy 12), NY (points on and east of a line extending southerly along U.S. Hwy 9 to its junction with NY Hwy 373, then easterly along NY Hwy 373 to its end near Port Kent, NY), RI, VT (points on and east of a line extending southerly from Burlington, VT along Interstate Hwy 89 to its junction with VT Hwy 116, then southerly along VT Hwy 116 to its junction with VT Hwy 17, then easterly along VT Hwy 17 to its junction with VT Hwy 100, then southerly along VT Hwy 100 to its junction with VT Hwy 107, then easterly along VT Hwy 107 to its junction with VT Hwy 12, then southerly along VT Hwy 12 to its junction with VT Hwy 106, then southerly along VT Hwy 106 to its junction with VT Hwy 11, then easterly along VT Hwy 11 to the NH-VT State line).

(46) Between points in WI that are on and west of a line extending southerly from Algoma, WI along WI Hwy 54 to its junction with WI Hwy 163, then southerly along WI Hwy 163 to its junction with WI Hwy 96, then westerly along WI Hwy 96 to its junction with WI Hwy 57, then southerly along WI Hwy 57 to its junction with U.S. Hwy 151, then southerly along U.S. Hwy 151 to its junction with WI Hwy 78, then southerly along WI Hwy 78 to the IL-WI State line, on the one hand, and, on the other, points in ME, MA (points on and east of MA Hwy 125 extending southerly to its junction with Interstate Hwy 495, then southerly along Interstate Hwy 495 to its junction with Interstate Hwy 93, then southerly along Interstate Hwy 93 to its junction with MA Hwy 28, then southerly along MA Hwy 28 to its junction with MA Hwy 24, then southerly along MA Hwy 24 to its junction with MA Hwy 140, then southerly

along MA Hwy 140 to its end near New Bedford, MA), NH (points on and east of a line extending southerly along NH Hwy 26 to its junction with NH Hwy 16, then southerly along NH Hwy 16 to its junction with NH Hwy 153, then southerly along NH Hwy 153 to its junction with NH Hwy 25, then westerly along NH Hwy 25 to its junction with NH Hwy 16, then southerly along NH Hwy 16 to its junction with NH Hwy 125, then southerly along NH Hwy 25 to the MA-NH State line), VT (points on, north and east of a line extending from the International Boundary line near Norton, VT along VT Hwy 114 to its junction with VT Hwy 102, then southerly along VT Hwy 102 to its junction with VT Hwy 26, then easterly along VT Hwy 26 to the NH-VT State line).

(47) Between points in WI that are on and west of a line extending southerly along U.S. Hwy 151 to its junction with WI Hwy 32, then southerly along WI Hwy 32 to its junction with WI Hwy 67, then southerly along WI Hwy 67 to its junction with WI Hwy 109, then southerly along WI Hwy 109 to its junction with Jefferson County Hwy A, then southwesterly along Jefferson County Hwy A to its junction with Interstate Hwy 94, then westerly along Interstate Hwy 94 to its junction with U.S. Hwy 151, then westerly along U.S. Hwy 151 to its junction with WI Hwy 78, then southerly along WI Hwy 78 to the IL-WI State line, on the one hand, and, on the other, points in ME that are on and east of a line extending southerly along U.S. Hwy 201 to its junction with Interstate Hwy 95, then southerly along Interstate Hwy 95 to its junction with ME Hwy 27, then southerly along ME Hwy 27 to its junction with U.S. Hwy 1, then southwesterly along U.S. Hwy 1 to its junction with ME Hwy 127, then southerly along ME Hwy 127 to its end at the Atlantic Ocean.

(48) Between points in Ada County, ID, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS (points on and east of a line extending southerly from the KS-NE line along U.S. Hwy 77 to Manhattan, KS, then easterly along U.S. Hwy 40 to Topeka, KS, then southerly along U.S. Hwy 75 to the KS-OK line only), KY, LA, ME, MD, MA, MI, MS, MO, NE (points on and east of U.S. Hwy 77 only), NH, NJ, NY, NC, ND (points on and east of ND Hwy 1 only), OH, OK (points on and east of a line extending southerly from the OK-KS line along U.S. Hwy 75 to Tulsa, OK, then southeasterly along the Muskogee Turnpike to its junction with Interstate Hwy 40, then easterly along Interstate Hwy 40 to the OK-AR line only), PA, RI, SC, SD (points on and east of SD Hwy 37 only), TN, VT, VA, WV and WI.

(49) Between points in Jerome County ID, on the one hand, and, on

the other hand, points in AL, AR (points on and east of a line extending easterly from the AR-OK line along Interstate Hwy 40 to Little Rock, AR, then southerly along U.S. Hwy 167 to the AR-LA line only), CT, DE, DC, FL, GA, IL, IN, IA, KS (points on and east of U.S. Hwy 69 only), KY, LA (points on and east of a line extending southerly from the LA-AR line along U.S. Hwy 167 to Abbeville, LA, then southerly along LA Hwy 82 to Esther, LA, then southerly along LA Hwy 33 to the Gulf of Mexico), ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, ND (points on and east of ND Hwy 1), OH, OK, PA, RI, SC, SD (points on and east of SD Hwy 37 only), TN, VT, VA, WV and WI. The purpose of this filing is to eliminate the gateways of points in MN.

No. MC 108119 (Sub-No. E46), filed July 11, 1976. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 3010, St. Paul, MN 55165. Applicant's representative: Mark E. Moser (same as above). (1) *Metal and metal articles* when such commodities are contractor's equipment, *heavy and bulky articles* requiring specialized handling or rigging, and *machinery, materials, supplies and equipment* used or useful in road construction, mining, logging and sawmill operations, (a) Between points in ID in and north of the Counties of Clearwater, Lewis and that part of Idaho County on and west of U.S. Hwy 95, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points on and east of U.S. Hwy 281), KY, LA, ME, MD, MA, MI (points in the Upper Peninsula only), MN, MS, NE (points on and east of U.S. Hwy 281), NH, NJ, NY, NC, ND (points on and east of U.S. Hwy 281), OK (points on and east of U.S. Hwy 281), PA, RI, SC, SD (points on and east of U.S. Hwy 281), TN, TX (points on and east of U.S. Hwy 281), VT, VA, WV and WI.

(b) Between points in ID within the Counties of Custer, Lemhi, Valley and points in ID east of U.S. Hwy 95, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points on and east of U.S. Hwy 77), KY, LA, ME, MD, MA, MI (points in the Upper Peninsula only), MN, MS, NE (points on and east of a line extending southerly along U.S. Hwy 81 to its junction with Interstate Hwy 80, then easterly along Interstate Hwy 80 to its junction with U.S. Hwy 77, then southerly along U.S. Hwy 77 to the NE-KS State line), NH, NJ, NY, NC, ND (points on and east of U.S. Hwy 281), OK (points on and east of a line extending southerly along U.S. Hwy 177 to its junction with OK Hwy 13, then southeasterly along OK Hwy 13 to its junction with OK Hwy 99, then southerly along OK Hwy 99 to its junction with OK Hwy 78, then southeasterly along OK Hwy 78 to its junc-

tion with U.S. Hwy 75, then southerly along U.S. Hwy 75 to the OK-TX State line), PA, RI, SC, SD (points on and east of a line extending southerly along U.S. Hwy 281 to its junction with SD Hwy 50, then southerly along SD Hwy 50 to Yankton, SD, then southerly along U.S. Hwy 81 to the SD-NE State line), TN, TX (points on and east of a line extending southerly along U.S. Hwy 69 to its junction with TX Hwy 19, then southerly along TX Hwy 19 to Huntsville, TX, then southerly along Interstate Hwy 45 to Houston, TX, then southerly along TX Hwy 288 to the Gulf of Mexico), VT, VA, WV and WI.

(c) Between points in ID within the Counties of Adams, Washington, Payette, Gem, Canyon and Ada, on the one hand, and, on the other hand, points in AL, AR (points on and east of a line extending southerly from Ft. Smith, AR along U.S. Hwy 71 to the AR-LA State line), CT, DE, DC, FL, GA, IA, KS (points on and east of U.S. Hwy 75), KY, LA (points on and east of a line extending southerly along U.S. Hwy 71 to its junction with U.S. Hwy 171, then southerly along U.S. Hwy 171 to its junction with LA Hwy 27, then southerly along LA Hwy 27 to the Gulf of Mexico near Creole, LA), ME, MD, MA, MI (points in the Upper Peninsula only), MN, MS, NE (points on and east of a line extending southerly along U.S. Hwy 81 to its junction with U.S. Hwy 275, then southerly along U.S. Hwy 275 to its junction with U.S. Hwy 77, then southerly along U.S. Hwy 77 to its junction with NE Hwy 92, then easterly along NE Hwy 92 to its junction with NE Hwy 50, then southerly along NE Hwy 50 to its junction with NE Hwy 4, then easterly along NE Hwy 4 to its junction with U.S. Hwy 75, then southerly along U.S. Hwy 75 to the NE-KS State line), NH, NJ, NY, NC, ND (points on and east of U.S. Hwy 281), OK (points on and east of a line extending southerly along U.S. Hwy 75 to Tulsa, OK, then southeasterly along Muskogee Turnpike to its junction with Interstate Hwy 40, then easterly along Interstate Hwy 40 to the OK-AR State line), PA, RI, SC, SD (points on and east of a line extending southerly along U.S. Hwy 281 to its junction with U.S. Hwy 16, then easterly along U.S. Hwy 16 to its junction with SD Hwy 37, then southerly along SD Hwy 37 to its junction with SD Hwy 50, then southeasterly along SD Hwy 50 to its junction with U.S. Hwy 81, then southerly along U.S. Hwy 81 to the SD-NE State line), TN, VT, VA, WV and WI.

(d) Between points in ID within the counties of Boise, Elmore, Owyhee, Twin Falls, Gooding, and Camas, on the one hand, and, on the other hand, points in AL, AR, (points on and east of U.S. Hwy 65), and CT, DE, DC, FL,

GA, IA, (points on and east of a line extending southerly along Interstate Hwy 29 to its junction with IA Hwy 141, then easterly along Iowa Hwy 141 to its junction with U.S. Hwy 59, then southerly along U.S. Hwy 59 to its junction with Interstate Hwy 80, then easterly along Interstate Hwy 80 to its junction with U.S. Hwy 71, then southerly along U.S. Hwy 71 to its junction with U.S. Hwy 34, then easterly along U.S. Hwy 34 to its junction with U.S. Hwy 169, then southerly along U.S. Hwy 169 to its junction with IA, Hwy 2, then easterly along IA, Hwy 2 to its junction with Interstate Hwy 35, then southerly along Interstate Hwy 35 to the IA-MO State line), KY, LA (points on and east of a line extending southerly along Interstate Hwy 55 to its junction with Interstate Hwy 10, then easterly along Interstate Hwy 10 to its junction with LA, Hwy 23, then southerly along LA Hwy 23 to the Gulf of Mexico), ME, MD, MA, MI (points in the Upper Peninsula only), MN, MS (points on and east of a line extending southeasterly along MS Hwy 27 to its junction with Interstate Hwy 55, then southerly along Interstate Hwy 55 to the LA State line), NH, NJ, NY, NC, ND (points on and east of U.S. Hwy 281), PA, RI, SC, SD (points on and east of a line extending southerly along U.S. Hwy 281 to its junction with U.S. Hwy 212, then easterly along U.S. Hwy 212 to its junction with SD Hwy 37, then southerly along SD Hwy 37 to its junction with Interstate Hwy 90, then easterly along Interstate Hwy 90 to its junction with U.S. Hwy 81, then southerly along U.S. Hwy 81 to its junction with SD Hwy 50, then southeasterly along SD Hwy 50 to its junction with U.S. Hwy 77, then along U.S. Hwy 77 to the SD-IA State line), TN, VT, VA, WV and WI.

(e) Between points in ID within the Counties of Blaine, Butte, Lincoln, Jerome, Minidoka, Power, Cassia and the Commercial Zone of Pocatello, on the one hand, and, on the other hand, points in AL, AR (points on and east of a line extending southerly along U.S. Hwy 63 to its junction with AR Hwy 1, then southeasterly along AR Hwy 1 to its junction with U.S. Hwy 49, then easterly along U.S. Hwy 49 to the AR-MS State line), CT, DE, DC, FL, GA, IA (points on, north and east of a line extending easterly along IA Hwy 141 to its junction with U.S. Hwy 30, then easterly along U.S. Hwy 30 to its junction with U.S. Hwy 218, then southerly along U.S. Hwy 218 to the IA-IL State line), KY, ME, MD, MA, MI (points in the Upper Peninsula), MN, MS, (points on and east of a line extending southerly along MS Hwy 322 to its junction with U.S. Hwy 49, then southerly along U.S. Hwy 49 to its junction with U.S. Hwy 49W, then southerly along U.S. Hwy 49W to its

junction with U.S. Hwy 49, then southerly along U.S. Hwy 49 to the Gulf of Mexico), NH, NJ, NY, NC, ND (points on and east of U.S. Hwy 281), PA, RI, SC, SD, (points on and east of a line extending southerly along U.S. Hwy 281 to its junction with U.S. Hwy 14, then easterly along U.S. Hwy 14 to its junction with SD, Hwy, 37, then southerly along SD, Hwy 37 to its junction with U.S. Hwy 18, then easterly along U.S. Hwy 18, then southerly along U.S. Hwy 81 to the SD-NE State line), TN, VT, VA, WV, WI.

(f) Between points in ID in and east of the Counties of Clark, Jefferson, Bingham, Bannock, and Oneida, on the one hand, and, on the other hand, points in AL, CT, DE, DC, FL, GA, IA (points on, north and east of a line extending easterly along U.S. Hwy 18 to its junction with U.S. Hwy 169, then southerly along U.S. Hwy 169 to its junction with U.S. Hwy 20, then easterly along U.S. Hwy 20 to its junction with IA, Hwy 150, then, southerly along IA, Hwy 150 to its junction with U.S. Hwy 30, then easterly along U.S. Hwy 30 to its junction with U.S. Hwy 61, then southerly along U.S. Hwy 61 to the IA-IL State Line), KY (points on and east of the Penny Riley Parkway), ME, MD, MA, MI (points in the Upper Peninsula only), MN, NH, NJ, NY, NC, ND, (points on and east of ND Hwy 18), PA, RI, SC, SD, (points on and east of U.S. Hwy 81 extending southerly to its junction with SD, Hwy 19, then southerly along SD Hwy 19 to its junction with U.S. Hwy 18, then easterly along U.S. Hwy 18 to the SD-IA State line), TN (points on and east of a line extending southerly along TN Hwy 48 to its junction with the Natchez Trace Parkway, then southerly along the Natchez Trace Parkway to the TN-MS State line), VT, VA, WV, and WI.

(2) *Metal and metal articles*, when such are contractor's equipment, heavy and bulky articles *machinery and machine parts, articles* requiring specialized handling or rigging, and *machinery, materials, supplies and equipment* used or useful in roads construction, mining, logging and sawmill operations, 000

(a) Between points in ID within the counties of Boundary, Bonner, Valley, Kootenai, Beneway, Shoshone, Latah, Clearwater, Idaho, Nez Perce, Lewis, Adams, Washington, Payette, Gem, Canyon, Ada, Boise, Elmore, Camas, Gooding, Twin Falls and Owyhee, on the one hand, and, on the other, points in IL, IN, MI (points in the lower peninsula only), MO, and OH.

(b) Between points in ID within the counties of Butte, Blaine, Lincoln, Jerome, Minidoka, Power and Cassia, on the one hand, and, on the other, points in IL, IN, MI (points in the lower peninsula only), MO (points on and east of a line extending northerly

along U.S. Hwy 65 to its junction with MO Hwy 73, then northerly along MO Hwy 73 to its junction with U.S. Hwy 54, then northeasterly along U.S. Hwy 54 to its junction with MO Hwy 19, then northerly along MO Hwy 19 to its junction with U.S. Hwy 61, then northerly along U.S. Hwy 61 to the IA-MO State line), and OH.

(c) Between points in ID within the counties of Lemhi and Custer, on the one hand, and, on the other, points in IL (points on and east of a line extending northeasterly along IL Hwy 150 to its junction with IL Hwy 4, then northerly along IL Hwy 4 to its junction with IL Hwy 29, then northerly along IL Hwy 29 to its junction with IL Hwy 26, then northerly along IL Hwy 26 to the IL-WI State line), IN, MI (points in the lower peninsula only), and OH.

(d) Between points within the commercial zone of Pocatello, ID, on the one hand, and, on the other, points in IL (points that are on and east of a line extending northerly along Interstate Hwy 55 to its junction with U.S. Hwy 66, then northerly along U.S. Hwy 66 to its junction with IL Hwy 29, then northerly along IL Hwy 29 to its junction with U.S. Hwy 6, then westerly along U.S. Hwy 6 to the IL-IA State line), IN, MI (points in the lower peninsula only), MO (points that are on and east of a line extending northerly along Interstate Hwy 55 to its junction with MO Hwy 51, then northerly along MO Hwy 51 to the IL-MO State line, and points in the St. Louis, MO commercial zone) and OH.

(3) *Metal and metal articles*, when such commodities are contractor's equipment, heavy and bulky articles, machinery and machine parts, articles requiring specialized handling or rigging, and machinery, materials, supplies and equipment used or useful in road construction, mining, logging and sawmill operations.

(a) Between points in OR in and east of the counties of Hood River, Wasco, Jefferson, and Deschutes and on and north of U.S. Hwy 20, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS (points on and east of a line extending southerly from the KS-NE State line along U.S. Hwy 77 to its junction with KS Hwy 96, then easterly along KS Hwy 96 to KS Hwy 99, then southerly along KS Hwy 99 to the KS-OK State line), KY, LA, ME, MD, MA, MI, MN, MS, MO, NE (points on and east of a line extending southerly along U.S. Hwy 81 to its junction with NE Hwy 92, then easterly along NE Hwy 92 to its junction with NE Hwy 15, then southerly along NE Hwy 15 to its junction with Interstate Hwy 80, then easterly along Interstate Hwy 80 to its junction with U.S. Hwy 77, then southerly along U.S. Hwy 77 to the NE-KS State line),

NH, NJ, NY, NC, ND (points on and east of ND Hwy 3), OH, OK (points on and east of a line extending southerly from the OK-KS State line along U.S. Hwy 75 to its junction with Interstate Highway 40, then southerly along the Indian Nation Turnpike to the OK-TX State line), PA, RI, SC, SD (points on and east of SD Hwy 45), TN, TX (points on and east of a line extending southerly along TX Hwy 19 to its junction with U.S. Hwy 69, then along U.S. Hwy 69 to the Gulf of Mexico at Port Arthur, TX), VT, VA, WV and WI.

(b) Between points in OR in and east of the Counties of Deschutes and Klamath and points south of U.S. Hwy 20, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS (points on and east of a line extending southerly along U.S. Hwy 77 to its junction with U.S. Hwy 36, then easterly along U.S. Hwy 36 to its junction with U.S. Hwy 159, then southerly along U.S. Hwy 159 to its junction with U.S. Hwy 59, then southerly along U.S. Hwy 59 to its junction with U.S. Hwy 169, then southerly along U.S. Hwy 169 to the KS-OK State line), KY, LA (points on, north and east of a line extending westerly along U.S. Hwy 84 to its junction with U.S. Hwy 171, then southerly along U.S. Hwy 171 to Lake Charles, LA, then southerly along LA Hwy 27 to the Gulf of Mexico), ME, MD, MA, MI, MN, MS, MO, NE (points on and east of a line extending southerly along U.S. Hwy 81 to its junction with NE Hwy 92, then easterly along NE Hwy 92 to its junction with NE Hwy 15, then southerly along NE Hwy 15 to its junction with Interstate Hwy 80, then easterly along Interstate Hwy 80 to its junction with U.S. Hwy 77, then southerly along U.S. Hwy 77 to the NE-KS State line), NH, NJ, NY, NC, ND (points on and east of ND Hwy 3), OH, OK (points on and east of U.S. Hwy 169 extending southerly to Tulsa, OK, then southerly along U.S. Hwy 75 to the Indian Nation Turnpike, then along the Indian Nation Turnpike to the OK-TX State line), PA, RI, SC, SD (points on and east of SD Hwy 45), TN, TX (points on, east and north of a line extending southerly along TX Hwy 19 to its junction with TX Hwy 154, then southerly along TX Hwy 154 to its junction with U.S. Hwy 69, then southerly along U.S. Hwy 69 to its junction with U.S. Hwy 84, then easterly along U.S. Hwy 84 to the TX-LA State line), VT, VA, WV and WI.

(4) *Metal and metal articles*, which because of size or weight require the use of special equipment and of related machinery parts, and related contractor's materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, and *General*

*commodities* (except motor vehicles and motor vehicle cabs and bodies and except Classes A and B explosives), moving in the same vehicle and at the same time in mixed loads with commodities the transportation of which, because of size or weight requires the use of special equipment (otherwise authorized), when the mixed loads move on a single bill of lading from a single consignor, Restrictions: The service authorized above is restricted against the transportation of boats. The operations authorized under the commodity description in (2) above shall not be severable, by sale or otherwise, from carrier authority to transport commodities the transportation of which because of size or weight, requires the use of special equipment.

(a) Between points in OR in and east of the counties of Hood River, Wasco, Jefferson, Deschutes and on and north of U.S. Hwy 20, on the one hand, and, on the other hand, points in AL, AR (points on, north, and east of a line extending easterly from the OK-AR State line along AR Hwy 10 to its junction with AR Hwy 7, then southerly along AR Hwy 7 to its junction with U.S. Hwy 167, then southerly along U.S. Hwy 167 to the AR-LA State line), CT, DE, DC, FL, GA, IA, KS (points on and east of U.S. Hwy 75), KY, LA (points on and east of U.S. Hwy 167), ME, MD, MA, MI (points in the Upper Peninsula only), MN, MS, NE (points on and east of a line extending southerly along U.S. Hwy 77 to Fremont, NE, then southeasterly along U.S. Hwy 275 to its junction with U.S. Hwy 75, then southerly along U.S. Hwy 75 to the NE-KS State line), NH, NJ, NY, NC, ND (points on and east of a line extending southerly along U.S. Hwy 281 to Jamestown, ND, then westerly along U.S. Hwy 10 to its junction with ND Hwy 30, then southerly along ND Hwy 30 to its junction with ND Hwy 3, then southerly along ND Hwy 3 to the ND-SD State line), PA, RI, SC, SD (points on and east of SD Hwy 45), TN, VT, VA, WV and WI.

(b) Between points in OR in and east of the counties of Deschutes and Klamath, and south of U.S. Hwy 20, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points on and east of KS Hwy 99) KY, LA, ME, MD, MA, MI (points in the Upper Peninsula only), MN, MS, NE (points on and east of a line extending southerly along U.S. Hwy 81 to its junction with U.S. Hwy 275, then easterly along U.S. Hwy 275 to its junction with U.S. Hwy 77, then southerly along U.S. Hwy 77 to the NE-KS State line), NH, NJ, NY, NC, ND (points on and east of U.S. Hwy 281), OK (points on and east of a line extending southerly along U.S. Hwy 75 to Interstate Hwy 40, then southerly along the Indian Nation Turnpike to the OK-TX State line), PA, RI, SC,

SD (points on and east of a line extending southerly along U.S. Hwy 281 to its junction with SD Hwy 50, then easterly along SD Hwy 50 to Yankton, SD, then southerly along U.S. Hwy 81 to the SD-NE State line), TN, TX (points on and east of a line extending southerly along TX Hwy 19 to its junction with TX Hwy 154, then southerly along TX Hwy 154 to its junction with U.S. Hwy 69, then southerly along U.S. Hwy 69 to the Gulf of Mexico at Port Arthur, TX), VT, VA, WV and WI.

(c) Between points in OR in, north and west of the counties of Lincoln, Polk, Marion, Clackamas, and Multnomah, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points in and east of KS Hwy 14), KY, LA, ME, MD, MA, MI (points in the Upper Peninsula only), MN, MS, NE (points on and east of NE Hwy 14), NH, NJ, NY, NC, ND (points on and east of ND Hwy 3), OK (points on and east of a line extending southerly from the OK-KS State line along U.S. Hwy 81 to its junction with Interstate Hwy 40, then easterly along Interstate Hwy 40 to its junction with Interstate Hwy 35, then southerly along Interstate Hwy 35 to the OK-TX State line), PA, RI, SC, SD (points on and east of a line extending southerly from the ND-SD State line along SD Hwy 45 to its junction with U.S. Hwy 212, then easterly along U.S. Hwy 212 to Redfield, SD, then southerly along U.S. Hwy 281 to the SD-NE State line), TN, TX (points on and east of a line extending southerly from the OK-TX State line along Interstate Hwy 35 to Fort Worth, TX, then southeasterly along U.S. Hwy 287 to its junction with Interstate Hwy 45, then southerly along Interstate Hwy 45 to its junction with TX Hwy 14, then southerly along TX Hwy 14 to its junction with TX Hwy 6, then southerly along TX Hwy 6 to its junction with TX Hwy 159, then southerly along TX Hwy 159 to its junction with TX Hwy 36, then southerly along TX Hwy 36 to its end at the Gulf of Mexico), VT, VA, WV and WI.

(d) Between points in OR within the counties of Benton and that part of Linn and Lane counties on and west of Interstate Hwy 5, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, KS (points on and east of a line extending southerly along U.S. Hwy 81 to Salina, KS, then southerly along Interstate Hwy 35 to the KS-OK State line), KY, LA, ME, MD, MA, MI (points in the Upper Peninsula only), MN, MS, NE (points on and east of a line extending southerly along U.S. Hwy 281 to Interstate Hwy 80, then easterly along Interstate Hwy 80 to its junction with U.S. Hwy 81, then southerly along U.S. Hwy 81 to the NE-KS State line), NH, NJ, NY, NC, ND (points on and east of ND

Hwy 3), OK (points on and east of Interstate Hwy 35), PA, RI, SC, SD (points on and east of SD Hwy 45), TN, TX (points on and east of a line extending southerly along Interstate Hwy 35 to the junction of Interstate Hwy 35 and the north edge of the Fort Worth commercial zone, then easterly along U.S. Hwy 80 to its junction with Interstate Hwy 45, then southerly along Interstate Hwy 45 to the Gulf of Mexico near Galveston, TX), VT, VA, WV, and WI.

(e) Between points in OR within the counties of Douglas, Coos, Curry, Josephine, Jackson, and points within the counties of Lane and Linn that are east of Interstate Hwy 5, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points on and east of a line extending southerly from the NE-KS State line along U.S. Hwy 81 to Salina, KS, then along Interstate Hwy 35 to the KS-OK State line, KY, LA, ME, MD, MA, MI (points in the Upper Peninsula only), MN, MS, NE (points on and east of a line extending southerly along U.S. Hwy 281 to its junction with U.S. Hwy 275, then southeasterly along U.S. Hwy 275 to its junction with U.S. Hwy 81, then southerly along U.S. Hwy 81 to the NE-KS State line), NH, NJ, NY, NC, ND (points on and east of ND Hwy 3), OK (points on and east of U.S. Hwy 77), PA, RI, SC, SD (points on and east of SD Hwy 45), TN, TX (points on and east of U.S. Hwy 69), VT, VA, WV, and WI.

(5) *Commodities* (other than farm machinery), which, because of size or weight, require special handling or the use of special equipment, and related parts, materials and supplies when their transportation is incidental to the transportation by carrier of commodities which, by reason of size, or weight, require special handling or the use of special equipment. Restriction: The services authorized above are restricted against the transportation of boats, between points in OR, on the one hand, and, on the other hand, points in IL, IN, MI (points in the Lower Peninsula), MO, and OH.

(6) *Metal and Metal Articles*, when such commodities are contractor's equipment heavy and bulky articles, machinery and machine parts, articles, requiring specialized handling or rigging, and machinery, materials, supplies and equipment used or useful in road construction, mining, logging and sawmill operations.

(a) Between points in WA, in, north and west of the counties of Grays Harbor, Thurston, Pierce, King, Snohomish, Skagit and Whatcom, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points on and east of U.S. Hwy 283), KY, LA, ME, MD, MA MI (points in the Upper Peninsula only), MN, MS, NE (points on and east of a

line extending southerly along U.S. Hwy 183 to its junction with Interstate Hwy 80, then westerly along Interstate Hwy 80 to its junction with U.S. Hwy 283, then southerly along U.S. Hwy 283 to the NE-KS State line), NH, NJ, NY, NC, ND (points on and east of ND Hwy 3), OK (points on and east of a line extending southerly along U.S. Hwy 283 to Altus, OK, then southerly along OK Hwy 44 to the OK-TX State line), PA, RI, SC, SD (points on and east of a line extending southerly along SD Hwy 45 to its junction with Interstate Hwy 90, then westerly along Interstate Hwy 90, to its junction with SD Hwy 47 to its junction with U.S. Hwy 183, then southerly along U.S. Hwy 183 to the SD-NE State line), TN, TX (points on and east of a line extending southerly along TX Hwy 283 to its junction with U.S. Hwy 287, then southerly along U.S. Hwy 287 to U.S. Hwy 281, then along U.S. Hwy 281 to the International Boundary near McAllen, TX), VT, VA, WV and WI.

(b) Between points in WA within the counties of Clark, Skamania, Cowlitz, Wahkiakum, Pacific and Lewis, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points on and east of KS Hwy 14), KY, LA, ME, MD, MA, MI (points in the Upper Peninsula only), MN, MS, NE (points on and east of a line extending southerly along NE Hwy 137 to its junction with U.S. Hwy 20, then easterly along U.S. Hwy 20 to its junction with U.S. Hwy 281, then southerly along U.S. Hwy 281 to the NE-KS State line), NH, NJ, NY, NC, ND (points on and east of ND Hwy 3), OK (points on and east of a line extending southerly along U.S. Hwy 81 to its junction with OK Hwy 7, then easterly along OK Hwy 7 to its junction with Interstate Hwy 35, then southerly along Interstate Hwy 35 to the OK-TX State line), PA, RI, SC, SD (points on and east of a line extending southerly along SD Hwy 45 to its junction with U.S. Hwy 14, then westerly along U.S. Hwy 14 to its junction with SD Hwy 47, then southerly along SD Hwy 47 to the SD-NE State line), TN, TX (points on and east of Interstate Hwy 35 extending southerly from the TX-OK State line to Waco, TX, then southerly along U.S. Hwy 77 to Victoria, TX, then southerly along TX Hwy 185 to the Gulf of Mexico near Port O'Conner, TX), VT, VA, WV, and WI.

(c) Between points in WA in and east of the counties of Klickitat, Yakima, Kittitas, Chelan, and Okanogan, on the one hand, and, on the other hand, points in AL, AR, CT, DE, DC, FL, GA, IA, KS (points on and east of U.S. Hwy 281), KY, LA, ME, MD, MA, MI (points in the Upper Peninsula only), MN, MS, NE (points on and east of U.S. Hwy 281), NH, NJ NY, NC, ND

(points on and east of a line extending southerly along U.S. Hwy 281 to its junction with U.S. Hwy 10 then westerly along U.S. Hwy 10 to its junction with ND Hwy 30, then southerly along ND Hwy 30 to its junction with ND Hwy 13, then westerly along ND Hwy 13 to its junction with ND Hwy 3, then southerly along ND Hwy 3 to the ND-SD State line), OK (points on and east of a line extending southerly along U.S. Hwy 281 to its junction with U.S. Hwy 183, then southerly along U.S. Hwy 183 to the OK-TX State line), PA, RI, SC, SD (points on and east of SD Hwy 45), TN, TX (points on and east of a line extending southerly along U.S. Hwy 281 to its junction with U.S. Hwy 183, then southerly along U.S. Hwy 183 to its junction with U.S. Hwy 59, then southwesterly along U.S. Hwy 59 to its junction with U.S. Hwy 77, then southerly along U.S. Hwy 77 to its end near Brownsville, TX), VT, VA, WV, and WI.

(7) *Metal and Metal Articles* when such are contractor's equipment, heavy and bulky articles, machinery and machinery parts, articles requiring specialized handling or rigging, and machinery, materials, supplies and equipment used or useful in road construction, mining, logging and sawmill operations, (a) Between points in WA in, north and west of the counties of Gray Harbor, Thurston, Pierce, King, Snohomish, Skagit and Whatcom, on the one hand, and, on the other, points in the States of IL, IN, MO, MI (points in the Lower Peninsula only) and OH, (b) Between points in WA within the counties of Pacific, Lewis, Wahkiakum, Cowlitz, Skamania and Clark, on the one hand, and, on the other, points in the States of IL, IN, MI (points in the Lower Peninsula only), MO and OH.

(c) Between points in WA that are in and east of the counties of Klickitat, Yakima, Kittitas, Chelan, and Okanogan on the one hand, and, on the other, points in IL (points on and south of a line extending northeasterly along IL Hwy 37 to its junction with IL Hwy 146, then easterly along IL Hwy 146 to its junction with U.S. Hwy 45, then northwesterly along U.S. Hwy 45 to its junction with IL Hwy 1, then northeasterly along IL Hwy 1 to its junction with U.S. Hwy 50, then easterly along U.S. Hwy 50 to the IL-IN state line), IN (points on and east of a line extending easterly along U.S. Hwy 50 to its junction with IN Hwy 67, then northeasterly along IN Hwy 67 to its junction with U.S. Hwy 31, then northerly along U.S. Hwy 31 to the IN-MI state line), MI (points in the Lower Peninsula only), MO (points on and east of a line extending northerly along Interstate Hwy 55 to its junction with Interstate Hwy 57, then easterly along Interstate Hwy 57 to the IL-MO state line) and OH.

(8) *Metal and metal articles*, which because of size or weight require the use of special equipment and of related machinery parts, and related contractor's materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, (a) Between points in WA in, north and west of the Counties of Grays Harbor, Thurston, Pierce, King, Snohomish, Skagit, and Whatcom, on the one hand, and, on the other hand, points in IL, IN, MO, MI (points in the Lower Peninsula only), and OH. (b) Between points in WA within the Counties of Pacific, Lewis, Wahkiakum, Cowlitz, Skamania, Clark, on the one hand, and, on the other hand, points in IL, IN, MI (points in the Lower Peninsula only), MO and OH. (c) Between points in WA in and east of the Counties of Klickitat, Yakima, Kittitas, Chelan and Okanogan, on the one hand, and, on the other hand, points in IL, IN, MI (points in the Lower Peninsula only), MO, and OH. The purpose of this filing is to eliminate the following gateways: (1) any point in MT west of a line extending from the boundary of the U.S. and Canada along U.S. Hwy 89 to Livingston, MT, then east along U.S. Hwy 10 to Laurel, MT, then south along U.S. Hwy 310 to the MT-WY State line, including points on the indicated portions of the highways specified, and MN, (2) Ada or Jerome County, ID and any point in MN, (3) Ada or Jerome County, ID, and points in MN, (4) any point in MT and MN, (5) any point in MT and MN, (6) any point in western MT and MN, (7) Ada or Jerome County, ID, and MN, and (8) any point in MT and MN.

No. MC 117574 (Sub-No. E80) (partial correction), filed June 29, 1975, published in the FEDERAL REGISTER issue of March 1, 1978, and republished, as corrected, this issue. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). *Agricultural implements, agricultural machinery, tractors* (other than truck tractors), *incidental machinery, attachments and parts* when moving with such implements, machinery or tractors, except commodities requiring special equipment, (3) Between points in the NC counties of Hoke, Robeson, and Scotland, on the one hand, and, on the other, points in CA, CO, ID, MN, MT, NE, NV, ND, OR, SD, UT, WA, WI, and WY, and points in the following described States; AR, points on and northwest of a line commencing at the AZ-Mexico border along AZ Hwy 85 in a northerly direction to its junction with U.S. Hwy 80, then in an easterly direction along U.S. Hwy 80 to its junction with U.S. Hwy 60, then in an easterly direction along U.S. Hwy 60 to its junction with

AZ Hwy 61, then in a northeasterly direction along AZ Hwy 61 to the AZ-NM State line; IL, points on and north of a line commencing at the IA-IL State line along IL Hwy 17 in an easterly direction to its junction with U.S. Hwy 51, then in a northerly direction along U.S. Hwy 51 to its junction with U.S. Hwy 34, then in an easterly direction along U.S. Hwy 34 to the IL-Lake Michigan line; IA, points on and northwest of a line commencing at the MO-IA State line along IA Hwy 15 in a northerly direction to its junction with IA Hwy 2, then in an easterly direction along IA Hwy 2 to its junction with IA Hwy 1, then in a northerly direction along IA Hwy 1 to its junction with U.S. Hwy 34, then in an easterly direction along U.S. Hwy 34 to the IA-IL State line; KS, points on and north of a line commencing at the OK-KS State line along U.S. Hwy 56 in a northeasterly direction to its junction with U.S. Hwy 83, then in a northerly direction along U.S. Hwy 83 to its junction with Interstate Hwy 70, then in an easterly direction along Interstate Hwy 70 to its junction with U.S. Hwy 81, then in a northerly direction along U.S. Hwy 81 to its junction with U.S. Hwy 36, then in an easterly direction along U.S. Hwy 36 to its junction with U.S. Hwy 73, then in a northerly direction along U.S. Hwy 73 to the KS-MO State line; MI, points on and northeast of a line commencing at St. Joseph, MI, along U.S. Hwy 31 in a southeasterly direction to its junction with U.S. Hwy 12, then in an easterly direction along U.S. Hwy 12 to its junction with U.S. Hwy 27, then in a southerly direction along U.S. Hwy 27 to the OH-MI State line; MO points on and north of a line commencing at the KS-MO State line along U.S. Hwy 136 in an easterly direction to its junction with MO Hwy 15, then in a northerly direction along MO Hwy 15 to the MO-IA State line NM, points north and west of a line commencing at the AZ-NM State line along Interstate Hwy 40 in an easterly direction to its junction with U.S. Hwy 85, then in a northerly direction along U.S. Hwy 85 to its junction with U.S. Hwy 84, then in a northerly direction along U.S. Hwy 84 to its junction with U.S. Hwy 64, then in an easterly direction along U.S. Hwy 64 to the NM-OK State line; OH, points on and north of a line commencing at the IN-OH State line along Interstate Hwy 80 in an easterly direction to its junction with OH Hwy 66, then in a southerly direction along OH Hwy 66 to its junction with U.S. Hwy 6, then in an easterly direction along U.S. Hwy 6 to its junction with OH Hwy 199, then in a southeasterly direction along OH Hwy 199 to its junction with OH Hwy 18, then in an easterly direction along OH Hwy 18 to its junction with U.S. Hwy 224, then in an easterly direction along U.S. Hwy

224 to its junction with U.S. Hwy 250, then in a southeasterly direction along U.S. Hwy 250 to the OH-WV State line; WV, points on and north of a line commencing at the OH-WV State line along U.S. Hwy 250 in a southeasterly direction to its junction with U.S. Hwy 50, then in an easterly direction along U.S. Hwy 50 to the WV State line.

(4) Between points in the NC counties of Montgomery, Moore, and Richmond, on the one hand, and, on the other, points in CA, ID, MT, NE, NV, ND, OR, SD, UT, WA, WY, and points in the following described States; AZ, points on and north and west of a line commencing at Yuma, AZ, along Interstate Hwy 8, then in a northerly direction to its junction with U.S. Hwy 80, then in a northerly direction along U.S. Hwy 80 to its junction with U.S. Hwy 89, then in a northerly direction along U.S. Hwy 89 to its junction with U.S. Hwy 160, then in a northeasterly direction to the AZ-CO State line; CO, points north and west of a line commencing at the AZ-CO State line along U.S. Hwy 160, then in an easterly direction to its junction with U.S. Hwy 85, then in a northerly direction along U.S. Hwy 85 to its junction with U.S. Hwy 24, then in a northeasterly direction along U.S. Hwy 24 to its junction with U.S. Hwy 385, then in a northerly direction along U.S. Hwy 385 to its junction with U.S. Hwy 34 in an easterly direction to the CO-NE State line; NE, points north and west of a line commencing at the CO-NE State line along U.S. Hwy 34, then in a northeasterly direction to its junction with U.S. Hwy 83, then in a northerly direction along U.S. Hwy 83, to its junction with U.S. Hwy 30, then in an easterly direction along U.S. Hwy 30 to its junction with U.S. Hwy 77, then in a northerly direction to the NE-IA, State line; IA, points north and west of a line commencing at the NE-IA State line along U.S. Hwy 75, then in a northeasterly direction to its junction with IA Hwy 60, then in a northeasterly direction along IA Hwy 60 to its junction with U.S. Hwy 18, then in an easterly direction along U.S. Hwy 18 to its junction with IA Hwy 4, then in a northerly direction to the IA-MN State line, MN, points north and west of a line commencing at the IA-MN State line along MN Hwy 4, then in a northeasterly direction to its junction with MN Hwy 60, then in a northeasterly direction along MN Hwy 60 to its junction with U.S. Hwy 169, then in a northeasterly direction along U.S. Hwy 169 to its junction with Interstate Hwy 35, then in a northeasterly direction to Duluth, MN; MI, only Sault Ste. Marie, MI; OH, points north of a line commencing at Ashtabula, OH, along OH Hwy 11, then in a southerly direction, then to its junction with OH Hwy 193, then to the OH-PA State line; (5) Between points

in the counties of Franklin, Vance, and Warren in NC, on the one hand, and, on the other, points in AZ, CA, CO, ID, IA, MI, MN, MT, NE, NV, ND, OR, SD, UT, WA, WI, and WY, and points in the following described States: IL, points north of a line commencing at the IL-MO State line along U.S. Hwy 24, then in a northeasterly direction to its junction with Interstate Hwy 57, then along Interstate Hwy 57 in a northerly direction to its junction with IL Hwy 17, then along IL Hwy 17 in a northeasterly direction to the IL-IN State line; IN, points north of a line commencing at the IL-IN State line along U.S. Hwy 6 in an easterly direction to the IN-OH State line; KS, points west of a line commencing at the OK-KS State line along Interstate Hwy 35 in a northerly direction to its junction with U.S. Hwy 50, then along U.S. Hwy 50 in an easterly direction to its junction with Interstate Hwy 35, then along Interstate Hwy 35 in an easterly direction to the KS-MO State line; MO, north of a line commencing at the MO-KS State line along U.S. Hwy 24, then in an easterly direction to the MO-IL State line; NM, points west and north of a line commencing at the NM-TX State line along U.S. Hwy 62 in a northerly direction to its junction with U.S. Hwy 285, then along U.S. Hwy 285 in a northerly direction to its junction with U.S. Hwy 82, then along U.S. Hwy 82 in an easterly direction to its junction with NM Hwy 172, then along NM Hwy 172 in a northerly direction to its junction with U.S. Hwy 380, then along U.S. Hwy 380 in an easterly direction to its junction with NM Hwy 18 then along NM Hwy 18 in a northerly direction to its junction with U.S. Hwy 70, then along U.S. Hwy 70 in a northeasterly direction to its junction with U.S. Hwy 60, then along U.S. Hwy 60 to the NM-TX State line; OH, points north of a line commencing at the OH-IN State line along U.S. Hwy 6 in an easterly direction to its junction with U.S. Hwy 127, then along U.S. Hwy 127 in a southerly direction to its junction with U.S. Hwy 24, then along U.S. Hwy 24 in an easterly direction to its junction with OH Hwy 15, then along OH Hwy 15 in a southeasterly direction to its junction with U.S. Hwy 23, then along U.S. Hwy 23 in a southeasterly direction to its junction with U.S. Hwy 30, then along U.S. Hwy 30 in an easterly direction to its junction with NM Hwy 19, then along NM Hwy 19 in a southeasterly direction to its junction with NM Hwy 97, then along NM Hwy 97 in a southeasterly direction to its junction with NM Hwy 39, then along NM Hwy 39 in a southeasterly direction to its junction with U.S. Hwy 250, then along U.S. Hwy 250 in a southeasterly direction to its junction with U.S. Hwy 22, then along U.S. Hwy 22 in an easterly direc-

tion to the OH-WV State line; OK, points west of a line commencing at the OK-TX State line along U.S. Hwy 60 in an easterly direction to its junction with U.S. Hwy 64, then along U.S. Hwy 64 in an easterly direction to its junction with Interstate Hwy 35, then along Interstate Hwy 35 in a northerly direction to the OK-KS State line; TX, points west of a line commencing at Presidio, TX, on the TX-NM border along U.S. Hwy 67 in a northerly direction, then to its junction with U.S. Hwy 90, then along U.S. Hwy 90 in a northerly direction to its junction with TX Hwy 54, then along TX Hwy 54 in a northerly direction to the TX-NM State line; WV, points north of a line commencing at the WV-OH State line along U.S. Hwy 22 then to the WV-PA State line. The purpose of this filing is to eliminate the gateway of Waynesboro, PA. Restrictions: (1) All authority granted above is restricted against the transportation of shipments between Racine, WI, Burlington, and Bettendorf, IA, Rockford and Rock Island, IL.

NOTE.—The purpose of this partial correction is to state the correct territorial descriptions. The remainder of this letter-notice remains as previously published.

No. MC 117574 (Sub-No. E103) (Correction), filed July 16, 1975, published in the FEDERAL REGISTER issue of March 9, 1978, and republished, as corrected, this issue. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). *Lift and hoist trucks, cranes, tractors (other than truck tractors), and attachments and accessories therefor*, which are also tractors with or without attachments, cranes, industrial and processing machinery and attachments, accessories or parts of the above described commodities, from the plantsite of Towmotor Corp. at Mentor, OH to points in that portion of FL in, south and east of Baker, Bibb, Crisp, Doaly, Dougherty, Houston, Jefferson, Lee, Miller, Peach, Richmond, Seminole, Twiggs, Washington and Wilkinson Counties, points in that portion of NC in and east of Guilford, Randolph, Rockingham, Stanley, and Union Counties, and points in that portion of SC in and east of Aiken, Kershaw, Lancaster, Lexington, and Richland Counties, SC. The purpose of this filing is to eliminate the gateway of Carlisle, PA.

NOTE.—The purpose of this correction is to correct territorial description that was incorrect in the FEDERAL REGISTER.

No. MC 117574 (Sub-No. E147), filed January 20, 1976. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: William A. Chestnutt, P.O. Box 1166, Harrisburg, PA 17108. (1) *Commodities*, the transportation of which be-

cause of size or weight, require the use of special equipment, and *related materials, supplies, and parts* of such commodities when their transportation is incidental thereto, and, (2) *self-propelled articles* each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, restricted to the transportation of self-propelled articles on trailers, (1) between points in Caldwell and Lyon Counties, KY, on the one hand, and, on the other, points in PA and WV and points in that part of IN on and east of a line commencing at Richmond, IN, along U.S. Hwy 35, then northwest along U.S. Hwy 35 to junction IN Hwy 15, then northwest along IN Hwy 15 to junction U.S. Hwy 24, then west along U.S. Hwy 24 to junction U.S. Hwy 31, then north along U.S. Hwy 31 to the IN-MI State line, points in that part of KY on and east of a line commencing at Jenkins, KY along KY Hwy 7, then north along KY Hwy 7 to junction U.S. Hwy 460, then northwest along U.S. Hwy 460 to junction KY Hwy 11, then north along KY Hwy 11 to the KY-OH State line, and points in that part of MI on and east of a line commencing at the IN-MI State line and extending along MI Hwy 62, then north along MI Hwy 62 to junction U.S. Hwy 31, then north along U.S. Hwy 31 to Muskegon, MI, (2) between points in Hopkins and Webster Counties, KY, on the one hand, and, on the other, points in PA and points in that part of IN on, north and east of a line commencing at the IN-OH State line and extending west along U.S. Hwy 40 to junction IN Hwy 1, then north along IN Hwy 1 to junction U.S. Hwy 224, then west along U.S. Hwy 224 to junction Interstate Hwy 5, then north along Interstate Hwy 5 to junction U.S. Hwy 33, then northwest along U.S. Hwy 33 to junction IN Hwy 19, then north along IN Hwy 19 to junction MI-IN State line, Ashland, KY, points in that part of MI on, north and west of a line commencing at the MI-IN State line and extending north along MI Hwy 19 to junction U.S. Hwy 12, then east along U.S. Hwy 12 to junction MI Hwy 40, then north along MI Hwy 40 to junction MI Hwy 43, then east along MI Hwy 43 to junction U.S. Hwy 131, then north along U.S. Hwy 131 to junction Interstate Hwy 96, then northwest along Interstate Hwy 96 to its termination at Lake Michigan, and points in that part of WV on and east of a line commencing at the WV-VA State line and extending northwest along WV Hwy 80 to junction U.S. Hwy 52, then west along U.S. Hwy 52 to junction U.S. Hwy 119, then north along U.S. Hwy 119 to junction WV Hwy 10, then northwest along WV Hwy 10 to junction U.S. Hwy 60, then west along U.S. Hwy 60 to the KY-WV State line, (3) between

points in Henderson and Union Counties, KY, on the one hand, and, on the other, points in PA and WV and points in that part of IN on and east of a line commencing at Richmond, IN, along U.S. Hwy 35, then northwest along U.S. Hwy 35 to junction IN Hwy 15, then north along IN Hwy 15 to junction U.S. Hwy 24, then west along U.S. Hwy 24 to junction U.S. Hwy 31, then north along U.S. Hwy 31 to the IN-MI State line, points in that part of KY on and east of a line commencing at Jenkins, KY, and extending along KY Hwy 7, then north along KY Hwy 7 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction KY Hwy 11, then north along KY Hwy 11 to the KY-OH State line, and points in that part of MI on and east of a line commencing at the IN-MI State line and extending along MI Hwy 62, then north along MI Hwy 62 to junction U.S. Hwy 31, then north along U.S. Hwy 31 to Muskegon, MI, (4) between points in Logan and Todd Counties, KY, on the one hand, and, on the other, points in PA and points in that part of IN on, north and east of a line commencing at the IN-OH State line and extending west along U.S. Hwy 40 to junction IN Hwy 1, then north along IN Hwy 1 to junction U.S. Hwy 224, then west along U.S. Hwy 224 to junction IN Hwy 5, then north along IN Hwy 5 to junction U.S. Hwy 33, then northwest along U.S. Hwy 33 to the MI-IN State line and points in that part of WV on and east of a line commencing at the WV-VA State line and extending northwest along WV Hwy 80 to junction U.S. Hwy 52, then west along U.S. Hwy 52 to junction U.S. Hwy 119, then north along U.S. Hwy 119 to junction WV Hwy 10, then northwest along WV Hwy 10 to junction U.S. Hwy 60, then west along U.S. Hwy 60 to the KY-WV State line, (5) between points in Daviess and Hancock Counties, KY, on the one hand, and, on the other, points in PA and WV and points in that part of IN on and east of a line commencing at Richmond, IN, and extending along U.S. Hwy 27, then north along U.S. Hwy 27 to junction U.S. Hwy 33, then northwest along U.S. Hwy 33 to junction IN Hwy 13, then north along IN Hwy 13 to the IN-MI State line, and points in that part of MI on and east of a line commencing at the IN-MI State line along U.S. Hwy 131, then north along U.S. Hwy 131 to junction Interstate Hwy 96, then west along Interstate Hwy 96 to Muskegon, MI. The purpose of this filing is to eliminate the gateway of Columbus, OH and points within 80 miles thereof.

No. MC 117574 (Sub-No. E148), filed January 20, 1976. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). (1) *Commodities*, the transportation of

which because of size or weight, require the use of special equipment, and *related-materials, supplies, and parts* of such commodities when their transportation is incidental thereto, and, (2) *self-propelled articles* each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to the transportation of self-propelled articles on trailers, (1) between Simpson and Warren Counties, KY, on the one hand, and, on the other, points in PA, and points in that part of IN on, north and east of a line commencing at the IN-OH State line and extending west along U.S. Hwy 40 to junction IN Hwy 1, then north along IN Hwy 1 to junction U.S. Hwy 224, then west along U.S. Hwy 224 to junction IN Hwy 5, then north along IN Hwy 5 to junction U.S. Hwy 33, then northwest along U.S. Hwy 33 to the MI-IN State line, points in that part of MI on, north and west of U.S. Hwy 33, points in that part of WV on and east of a line commencing at the WV-VA State line and extending northwest along WV Hwy 80 to junction U.S. Hwy 52, then west along U.S. Hwy 52 to junction U.S. Hwy 119, then north along U.S. Hwy 119 to junction WV Hwy 10, then northwest along WV Hwy 10 to junction U.S. Hwy 60, then west along U.S. Hwy 60 to the KY-WV State line, (2) between points in Butler and Ohio Counties, KY, on the one hand, and, on the other, points in PA, and points in that part of IN on, north, and east of a line commencing at the IN-OH State line and extending west along U.S. Hwy 40 to junction IN Hwy 1, then north along IN Hwy 1 to junction U.S. Hwy 224, then west along U.S. Hwy 224 to junction IN Hwy 5, then north along IN Hwy 5 to junction U.S. Hwy 33, then northwest along U.S. Hwy 33 to junction IN Hwy 19, then north along IN Hwy 19 to the IN-MI State line, points in that part of MI on, north and west of a line commencing at the MI-IN State line and extending north along MI Hwy 19 to junction U.S. Hwy 12, then east along U.S. Hwy 12 to junction MI Hwy 40, then north along MI Hwy 40 to junction MI Hwy 43, then east along IN Hwy 43 to junction U.S. Hwy 131, then north along U.S. Hwy 131 to junction Interstate Hwy 96, then northwest along Interstate Hwy 96 to its termination at Lake Michigan, and points in that part of WV on and east of a line commencing at the WV-VA State line and extending northwest along WV Hwy 80 to junction U.S. Hwy 52, then west along U.S. Hwy 52 to junction U.S. Hwy 119, then north along U.S. Hwy 119 to junction WV Hwy 10, then northwest along WV Hwy 10 to junction U.S. Hwy 60, then west along U.S. Hwy 60 to the KY-WV State line, (3) between points in McLean and Muhlenberg

Counties, KY, on the one hand, and, on the other, points in PA and WV, and points in that part of MI on and east of a line commencing at the OH-MI State line and extending along U.S. Hwy 127, then north along U.S. Hwy 127 to junction U.S. Hwy 27, then north along U.S. Hwy 27 to junction Interstate Hwy 75, then north along Interstate Hwy 75 to Mackinaw City, MI, (4) between points in Edmonson and Grayson Counties, KY, on the one hand, and, on the other, points in PA, and points in that part of IN on, north and east of a line commencing at the IN-OH State line and extending northwest along U.S. Hwy 33, to junction IN Hwy 19, then north along IN Hwy 19 to the IN-MI State line, points in that part of MI on, north, and west of a line commencing at the MI-IN State line and extending north along MI Hwy 19 to junction U.S. Hwy 12, then west along U.S. Hwy 12 to junction MI Hwy 40, then north along MI Hwy 40 to junction MI Hwy 43, then east along U.S. Hwy 43 to junction U.S. Hwy 131, then north along U.S. Hwy 131 to junction Interstate Hwy 96, then northwest along Interstate Hwy 96 to its termination at Lake Michigan, and points in that part of WV on and east of a line commencing at the WV-VA State line and extending northwest along WV Hwy 80 to junction U.S. Hwy 52, then west along U.S. Hwy 52 to junction U.S. Hwy 119, then north along U.S. Hwy 119 to junction WV Hwy 10, then northwest along WV Hwy 10 to junction U.S. Hwy 60, then west along U.S. Hwy 60 to the KY-WV State line, (5) between points in Breckenridge and Meade Counties, KY, on the one hand, and, on the other, points in PA and points in that part of IN on and east of a line commencing at Richmond, IN and extending along U.S. Hwy 27, then north along U.S. Hwy 27 to junction U.S. Hwy 33, then northwest along U.S. Hwy 33 to junction IN Hwy 9, then north along IN Hwy 9 to the IN-MI State line, points in that part of MI on and east of a line commencing at the IN-MI State line and extending along U.S. Hwy 12, then west along U.S. Hwy 12 to junction U.S. Hwy 131, then north along U.S. Hwy 131 to junction Interstate Hwy 96, then northwest along Interstate Hwy 96 to Muskegon, MI, and points in that part of WV on and east of a line commencing at WV Hwy 80, then north along WV Hwy 80 to junction WV Hwy 10, then north along WV Hwy 10 to the WV-KY State line. The purpose of this filing is to eliminate the gateway of Columbus, OH, and points within 80 miles thereof.

No. MC 127974 (Sub-No. E20) filed February 9, 1978. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, NJ 08610. Applicant's representative: Philip

Liedtka (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire*, (1) between those points in PA on and east of a line beginning at the PA-DE State line, and extending along PA Hwy, 28 to junction PA Hwy 724, then along PA Hwy 724 to junction Interstate Hwy 176, then along Interstate Hwy 176 to junction PA Hwy 61, then along PA Hwy 61 to junction PA Hwy 895, then along PA Hwy 895 to junction PA Hwy 443, then along PA Hwy 443 to junction PA Hwy 309, then along PA Hwy 309 to junction PA Hwy 93, then along PA Hwy 93 to junction PA Hwy 239, then along PA Hwy 239 to the junction U.S. Hwy 11, then along U.S. Hwy 11 to junction PA Hwy 29, then along PA Hwy 29 to junction PA Hwy 309, then along PA Hwy 309 to junction U.S. Hwy 6, then along U.S. Hwy 6 to junction U.S. Hwy 220, then along U.S. Hwy 220 to the PA-NY State line, on the one hand, and on the other, those points in VA west of a line beginning at the VA-WV State line, and extending along U.S. Hwy 460 to junction VA Hwy 8, then along VA Hwy 8 to the VA-NC State line; (2) between those points in NY on and east of a line beginning at the NY-PA State line, and extending along NY Hwy 282 to junction NY Hwy 17C, then along NY Hwy 17C to junction NY Hwy 96, then along NY Hwy 96 to junction NY Hwy 5, then along NY Hwy 5 to junction NY Hwy 14, then along NY Hwy 14 to Lake Ontario, on the one hand, and, on the other, those points in VA west of a line at the VA-WV State line, and extending along U.S. Hwy 460, to junction VA Hwy 8, then along VA Hwy 8 to the VA-NC State line; (3) between those points in PA on and east of a line beginning at the Delaware River, and extending along PA Hwy 352 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction PA Hwy 29, then along PA Hwy 29 to Phoenixville, then along PA Hwy 23 to junction PA Hwy 724, then along PA Hwy 724 to junction PA Hwy 100, then along PA Hwy 100 to junction PA Hwy 309, then along PA Hwy 309 to junction PA Hwy 873, then along PA Hwy 873 to junction PA Turnpike Northeast Extension, then along PA Turnpike Northeast extension to junction Interstate Hwy 80, then along Interstate Hwy 80 to junction PA Hwy 437, then along PA Hwy 437 to junction PA Hwy 309, then along PA Hwy 309 to junction unnumbered highway at Ashley, then along unnumbered highway to junction unnumbered highway at Newtown, then along unnumbered highway to junction unnumbered highway at Nanticoke, then along unnumbered highway to junction U.S. Hwy 11, then along U.S. Hwy 11 to junction PA Hwy

29, then along PA Hwy 29 to the NY-PA State line, on the one hand, and, on the other, those points in VA north and east of a line beginning at the VA-MD State line, and extending along U.S. Hwy 15 to junction U.S. Hwy 33, then along U.S. Hwy 33 to junction VA Hwy 54, then along VA Hwy 54 to junction U.S. Hwy 360, then along U.S. Hwy 360 to junction unnumbered highway at Reedville, then along unnumbered highway to the Chesapeake Bay (except those east of the Chesapeake Bay); and (4) between those points in NY on the east of a line beginning at the NY-PA State line and extending along NY Hwy 17 to junction NY Hwy 34, then along NY Hwy 34 to junction NY Hwy 224, then along NY Hwy 224 to junction NY Hwy 14, then along NY Hwy 14 to junction NY Hwy 14A, then along NY Hwy 14A to junction NY Hwy 364, then along NY Hwy, 364 to junction NY Hwy 247, then along NY Hwy 247 to junction U.S. Hwy 20, then along U.S. Hwy 20 to Canandaigua, then along NY Hwy 332 to junction NY Hwy 96, then along NY Hwy 96 to junction NY State Thruway, then along NY State Thruway to junction U.S. Hwy 15, then along U.S. Hwy 15 to Rochester, then along NY Hwy 18 to Lake Ontario, on the one hand, and, on the other, those points in VA north and east of a line beginning at the VA-MD State line, and extending along U.S. Hwy 15 to junction U.S. Hwy 33, then along U.S. Hwy 33 to junction VA Hwy 54, then along VA Hwy 54 to junction U.S. Hwy 360, then along U.S. Hwy 360 to junction unnumbered highway at Reedville to the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of Philadelphia, PA.

No MC-127974 (Sub-No. E21), filed February 9, 1978. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Avenue., Trenton, NJ 08610. Applicant's representative: Phillip Liedtka (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wires*, (1) between those points in PA on and east of a line beginning at the PA-DE State line, and extending along U.S. Hwy 202 to junction U.S. Hwy Business Route 322, then along U.S. Hwy Business Route 322 to junction PA Hwy 100, then along PA Hwy 100 to junction PA Turnpike, then along PA Turnpike to junction PA Hwy 10, then along PA Hwy 10 to Reading, then along PA Hwy 61 to junction PA Hwy 895, then along PA Hwy 895 to junction PA Hwy 443, then along PA Hwy 443 to junction PA Hwy 309, then along PA Hwy 309 to junction PA Hwy 93, then along PA Hwy 93 to junction PA Hwy 239, then along PA Hwy 239 to junction unnumbered highway near Hunting-

ton Mills, then along unnumbered highway to junction PA Hwy 487, then along PA Hwy 487 to junction U.S. Hwy 220, then along U.S. Hwy 220 to the PA-NY State line, and those points in NY on and east of a line beginning at the NY-PA State line and extending along U.S. Hwy 15 to junction NY Hwy 63, then along NY Hwy 63 to junction NY Hwy 36, then along NY Hwy 36 to Leicester, then along U.S. Alternate Hwy 20 to junction NY Hwy 246, then along NY Hwy 246 to junction NY Hwy 63, then along NY Hwy 63 to Lake Ontario, on the one hand, and, on the other, those points in VA south and west of a line beginning at the VA-NC State line, and extending along U.S. Hwy 15 to junction U.S. Hwy 33, then along U.S. Hwy 33 to junction U.S. Hwy 360, then along U.S. Hwy 360 to the Chesapeake Bay, and on and west of a line beginning at the VA-NC State line, and extending along VA Hwy 35 to junction VA Hwy 40, then along VA Hwy 40 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction VA Hwy 31, then along VA Hwy 31 to the James River; (2) between those points in PA on and east of a line beginning at the PA-MD State line, and extending along PA Hwy 896 to junction PA Hwy 10, then along PA Hwy 10 to Reading, then along PA Hwy 183 to junction PA Hwy 895, then along PA Hwy 895 to junction PA Hwy 443, then along PA Hwy 443 to junction PA Hwy 125, then along PA Hwy 125 to Shamokin, then along PA Hwy 61 to junction PA Hwy 487, then along PA Hwy 487 to junction PA Hwy 54, then along PA Hwy 54 to junction U.S. Hwy 15, then along U.S. Hwy 15 to the PA-NY State line, and those points in NY on and east of a line beginning at the NY-PA State line, and extending along NY Hwy 17 to junction NY 275, then along NY Hwy 275 to junction NY Hwy 408, then along NY Hwy 408 to junction NY Hwy 16, then along NY Hwy 16 to East Aurora, then along U.S. Alternate Hwy 20 to junction U.S. Hwy 62, then along U.S. Hwy 62 to Bladell, then along unnumbered highway to junction NY Hwy 5, then along NY Hwy 5 to Buffalo, then along the Niagara River to Lake Ontario, on the one hand, and, on the other, those points in VA south and east of a line beginning at the VA-NC State line, and extending along VA Hwy 35 to junction VA Hwy 40 then along VA Hwy 40 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction VA Hwy 31, then along VA Hwy 31 to junction Colonial National Historic Parkway, then along Colonial National Historic Parkway to the James River (except those west of the Chesapeake Bay). The purpose of this filing is to eliminate the gateway of Philadelphia, PA.

No. MC 127974 (Sub-No. E22), filed February 9, 1978. Applicant: P.

**LIEDTKA TRUCKING, INC.**, 110 Patterson Avenue, Trenton, NJ 08610. Applicant's representative: Philip Liedtka (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire*, between those points in PA on and east of a line beginning at the Delaware River, and extending along PA Hwy 420 to junction PA Hwy 320, then along PA Hwy 320 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction PA Hwy 23, then along PA Hwy 23 to junction PA Hwy 100, then along PA Hwy 100 to junction PA Hwy 73, then along PA Hwy 73 to junction PA Hwy 61, then along PA Hwy 61 to junction PA Hwy 147, then along PA Hwy 147 to junction U.S. Hwy 15, then along U.S. Hwy 15 to the PA-NY State line, on the one hand, and, on the other, those points in MD on and south of Wicomico County, and those in VA east of the Chesapeake Bay; (2) between points in NY (except those in the New York, NY, commercial zone, as defined by the Commission, and those in Nassau County), on the one hand, and, on the other, those points in NJ ON U.S. Hwy 30; and (3) between points in NY, on the one hand, and, on the other, those points in VA east of the Chesapeake Bay and those in MD in and south of Wicomico County. The purpose of this filing is to eliminate the gateway of Philadelphia, PA.

No. MC 127974 (Sub-No. E23), filed February 9, 1978. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Avenue, Trenton, NJ 08610. Applicant's representative: Philip Liedtka (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire*, (1) between points in NY, on the one hand, and, on the other, those points in NJ south of U.S. Hwy 30; (2) between those points to NY on and west of a line beginning at the NY-PA State line, and extending along NY Hwy 79 to junction NY Hwy 17, then along NY Hwy 17 to junction NY Hwy 41, then along NY Hwy 7 to junction NY Hwy 28, then along NY Hwy 28 to junction NY Hwy 30, then along NY Hwy 30 to junction NY Hwy 3, then along NY Hwy 3 to Plattsburgh, then along U.S. Hwy 9 to junction NY Hwy 9B, then along NY Hwy 9B to junction U.S. Hwy 11, then along U.S. Hwy 11 to the US-Canada International Boundary line, on the one hand, and, on the other, those points in NJ north of U.S. Hwy 30 and on and south of a line beginning at the NJ-PA State line, and extending along U.S. Hwy 206 to junction county Hwy 524, then along county Hwy 524 to junction

Hwy 539 to NJ Hwy 70, then along NJ Hwy 70 to junction NJ Hwy 37, then along NJ Hwy 37 to junction Alternate U.S. Hwy 9, then along Alternate U.S. Hwy 9 to Toms River, then along Toms River to Barnegat Bay (except points on Island Beach, NJ). The purpose of this filing is to eliminate the gateway of Philadelphia, PA.

No. MC 127974 (Sub-No. E24), filed February 9, 1978. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, NJ 08610. Applicant's representative: Philip Liedtka (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire*, (1) between points in NY on and west of a line beginning at the NY-PA State line, and extending along NY Hwy 282 to junction NY Hwy 7, then along NY Hwy 7 to junction NY Hwy 96, the along NY Hwy 96 to junction NY Hwy 38, then along NY Hwy 38 to junction NY Hwy 13, then along NY Hwy 13 to junction NY Hwy 69, then along NY Hwy 69 to junction NY Hwy 26, then along NY Hwy 26 to junction NY Hwy 12, then along NY Hwy 12 to junction NY Hwy 26A, then along NY Hwy 26A to junction NY Hwy 3, then along NY Hwy 3 to junction NY Hwy 58, then along NY Hwy 58 to junction unnumbered highway near Edwards, then along unnumbered highway to junction NY Hwy 56, then along NY Hwy 56 to junction U.S. Hwy 11, then along U.S. Hwy 11 to junction NY Hwy 37C, then along NY Hwy 37C to junction NY Hwy 37, then along NY Hwy 37 to junction unnumbered highway at St. Regis, then along unnumbered highway to the U.S.-Canada International Boundary line, on the one hand, and, on the other, those points in NJ north of a line beginning at the NJ-PA State line, and extending along U.S. Hwy 206 to junction county Hwy 524, then along county Hwy 524 to junction County Hwy 539, then along county Hwy 539 to junction NJ Hwy 70, then along NJ Hwy 70 to junction NJ Hwy 37, then along NJ Hwy 37 to junction U.S. Alternate Hwy 9, then along U.S. Alternate Hwy 9 to Toms River, then along Toms River to Barnegat Bay, and on and south of a line beginning at the NJ-PA State line, and extending along U.S. Hwy 202 to junction county Hwy 514, then along county Hwy 514 to junction Interstate Hwy 287, then along Interstate Hwy 287 to junction on U.S. Hwy 9, then along U.S. Hwy 9 to Raritan Bay; (2) between those points in NY on and west of a line beginning at the NY-PA State line, and extending a along NY Hwy 36 to junction NY Hwy 21, then along NY Hwy 21 to junction U.S. Hwy 15, then along U.S. Hwy 15 to Rochester, then along NY Hwy 18 to

Lake Ontario, on the one hand, and, on the other, those points in NJ north of a line beginning at the NJ-PA State line, and extending along U.S. Hwy 202 to junction county Hwy 514, then along county Hwy 514 to junction Interstate Hwy 287, then along Interstate Hwy 287 to junction U.S. Hwy 9, then along U.S. Hwy 9 to Raritan Bay, and on and south of a line beginning at the Delaware River, and extending along NJ Hwy 12 to junction U.S. Hwy 202, then along U.S. Hwy 202 to junction U.S. Hwy 22, then along U.S. Hwy 22 to Newark, then along U.S. Hwy 1 to the Hudson Bay; and (3) between those points in NY on and west of a line beginning at the NY-PA State line, and extending along NY Hwy 16 to Buffalo, then along U.S. Hwy 62 to junction NY Hwy 425, then along NY Hwy 425 to Lake Ontario, on the one hand, and on the other, those points in NJ north of a line beginning at the Delaware River and extending along NJ Hwy 12 to junction U.S. Hwy 202, then along U.S. Hwy 202 to junction U.S. Hwy 22, then along U.S. Hwy 22 to Newark, then along U.S. Hwy 1 to the Hudson River, and on and south of a line beginning at the Delaware River, and extending along NJ Hwy 20 to junction unnumbered highway, then along unnumbered highway to junction Interstate Hwy 78, then along Interstate Hwy 78 to junction U.S. Hwy 202, then along U.S. Hwy 202 to Morristown, then along county Hwy 511 to Whippany, then along NJ Hwy 10 to junction county Hwy 527, then along county Hwy 527 to junction NJ Hwy 23, then along NJ Hwy 23 to junction Interstate Hwy 80, then along Interstate Hwy 80 to the Hudson River. The purpose of this filing is to eliminate the gateway of Philadelphia, PA.

By the Commission.

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

[FR Doc. 78-10598 Filed 4-18-78; 8:45 am]

[7035-01]

[Notice No. 591]

**MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS**

APRIL 10, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the

protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 39406 (Sub-No. 21TA), filed February 7, 1978. Applicant: CENTRAL MOTOR LINES, INC., P.O. Box 10303, 11001 Reames Rd., Charlotte, NC 28237. Applicant's representative: Garland V. Moore, P.O. Box 1067, Charlotte, NC 28231. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, for 180 days, in the transportation of: Regular routes: General commodities (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. Restriction: In connection with all regular route operations in Section (A) carrier shall only transport shipments (1) between points south of the VA-NC State line, on the one hand, and, on the other, points north of the said State line, subject to the specific restrictions hereinafter imposed on service at points on the routes applicable, and (2) between points in NC, on the one hand, and, on the other, points south of the NC-SC State line, not subject to the specific restrictions hereinafter imposed on service at points on the routes applicable. Between junction U.S. Hwy 52 and NC State Rd 1669 near Stanleyville, NC, and junction NC Hwy 66 and U.S. Hwy 421, near Kernerville, NC, serving no intermediate points and serving junction U.S. Hwy 52 and NC State Rd 1669 for the purpose of joinder only: From junction U.S. Hwy 52 and NC State Rd 1669 over NC State Rd 1669 to junction Hwy 66, then over NC Hwy 66 to junction U.S. Hwy 421, and

return over the same route. Between New York, NY, and North Augusta, SC, serving the intermediate points of Jersey City, Newark, and Trenton, NJ, points in NJ between Newark and the Mercer-Middlesex County line; Philadelphia, PA, points in the Philadelphia, PA, commercial zone, as defined by the Commission; Baltimore, MD, Raleigh, Cary, Sanford, and Albemarle, NC, points between Raleigh and Cary, NC, points between Albemarle, NC, and North Augusta, SC, and the off-route points of Bound Brook, Dunellen, Clifton, and Lodi, NJ, Bristol, PA, points in the New York, NY, and Philadelphia, PA, commercial zones, as defined by the Commission; Oakboro, Stanfield, and Midland, NC, points in Aiken and Barnwell Counties, SC, also, and in connection with this route, serving the off-route points of Whitmire and Newberry, SC, and those in Spartanburg, Greenville, Pickens, Anderson, Abbeville, Greenwood, and Laurens Counties, SC, restricted to the transportation of shipments from points in these counties to points north of the VA-NC State line, and from points north of said State line to points in these counties:

Specific restriction: Service at the intermediate and off-route points named, following the route description immediately below, is subject to the specific restrictions applicable: From NY via Holland Tunnel to Jersey City, NJ, then over Business and Truck U.S. Hwy 1 to junction to U.S. Hwy 1, at Newark, NJ, then over U.S. Hwy 1 to Philadelphia, PA, then over U.S. Hwy 13 to State Road, DE, then over U.S. Hwy 40 to Baltimore, MD, then over U.S. Hwy 1 to Raleigh, NC, then over unnumbered highway (formerly portion U.S. Hwy 1) via Cary, NC, to junction U.S. Hwy 1 near Apex, NC, then over U.S. Hwy 1 to junction U.S. Hwy 15-501 near Sanford, NC, then over U.S. Hwy 15-501 to Carthage, NC, then over North Carolina Hwy 27 to Charlotte, NC, then over U.S. Hwy 21 to Rock Hill, S.C., then over South Carolina Hwy 72 to Chester, SC, then over U.S. Hwy 321 to West Columbia, SC, then over U.S. Hwy 1 to junction South Carolina Hwy 421, then over South Carolina Hwy 421 via Clearwater, SC, to junction South Carolina Hwy 125, then over South Carolina Hwy 125 to North Augusta, and return over the same route. Service at the intermediate points of Trenton, NJ, and those in NJ between Newark and the Mercer-Middlesex County line; and the off-route points of Bound Brook, Dunellen, Clifton, and Lodi, NJ, is restricted to the pickup of southbound shipments of general commodities, with the above-specified exceptions, and to the delivery of northbound shipments of textiles, textile products, and knit goods. Service at the off-

route point of Bristol, PA, is restricted to the pickup of southbound shipments of zinc dust destined to Greensboro, NC. Between Henderson, NC, and Durham, NC, serving no intermediate points, and serving Henderson for the purpose of joinder only: From Henderson over Alternate U.S. Hwy 158 to Oxford, NC, then over U.S. Hwy 15 to Durham, and return over the same route. Between junction U.S. Hwy 1 and U.S. Hwy 130, near Milltown, NJ, and Easley, SC, serving the intermediate points of Providence and Carneys Point, NJ, points in Philadelphia, PA, Commercial Zone, as defined by the Commission; Baltimore, MD, Reidsville, NC, points between Reidsville, NC, and Easley, SC, and the off-route points of Milltown, Hightstown, Beverly, and Riverside, NJ, points in the Philadelphia, PA, Commercial Zone as defined by the Commission; and New Castle, DE; also, and in connection with this route, serving the off-route points of Whitmire and Newberry, SC, and those in Spartanburg, Greenville, Pickens, Anderson, Abbeville, Greenwood, and Laurens Counties, SC, and those in Gaston, Lincoln, Catawba, Caldwell, Burke, McDowell, Buncombe, Henderson, Polk, Rutherford, and Cleveland Counties, NC, restricted to the transportation of shipments from points in these counties to points north of the VA-NC State line, and from points north of said State line to points in these counties:

Specific restriction: Service at the intermediate and off-route points named, following the route description immediately below, is subject to the specific restrictions applicable. From junction U.S. Hwy 1 and U.S. Hwy 130 over U.S. Hwy 130 to junction NJ Hwy 44 (formerly portion U.S. Hwy 130), near Thorofare, NJ, then over NJ Hwy 44 to junction U.S. Hwy 130, near Bridgeport, NJ, then over U.S. Hwy 130 to junction U.S. Hwy 40, then over U.S. Hwy 40 to Baltimore, MD, then over U.S. Hwy 1 to Washington, DC, then over U.S. Hwy 29 to junction U.S. Hwy 29A (formerly portion U.S. Hwy 29) at or near Greensboro, NC, then over U.S. Hwy 29A to junction U.S. Hwy 29 at or near High Point, NC, then over U.S. Hwy 29 to Greenville, SC, then over U.S. Hwy 123 to Easley, and return over the same route. Service at the intermediate point of Paulsboro, NJ, is restricted to the pickup of southbound shipments of general commodities, with the above-specified exceptions. Service at the intermediate point of Carneys Point, NJ, and the off-route point of New Castle, DE, is restricted to the pickup of southbound shipments of chemicals and dyes. Service at the off-route point of Milltown, NJ, is restricted to the pickup of southbound shipments of general commodities, with the above-specified exceptions, and to the

delivery of northbound shipments of textiles, textile products, and knit goods. Service at the off-route points of Hightstown, Beverly, and Riverside, NJ, is restricted to the delivery of northbound shipments of textiles, textile products, and knit goods. Between Richmond, VA, and Danville, VA, serving no intermediate points and serving each terminal only for the purpose of joinder: From Richmond over U.S. Hwy 360 to junction VA Hwy 304, then over VA Hwy 304 to junction U.S. Hwy 58, and then over U.S. Hwy 58 to Danville, and return over the same route. Between Raleigh, NC, and Greensboro, NC, serving all intermediate points, and the off-route points of Elon College, Gibsonville, and McLeansville, NC.: From Raleigh over U.S. Hwy 70 (portion formerly Alternate U.S. Hwy 70), to junction U.S. Hwy Business 70 east of Hillsborough, NC, then over U.S. Hwy Business 70 to junction U.S. Hwy 70 west of Hillsborough, NC, then over U.S. Hwy 70 (portion formerly Alternate U.S. Hwy 70) to Greensboro, and return over the same route. Between Hanes, NC, and Siler City, NC, serving all intermediate points: From Hanes over U.S. Hwy 158 to Winston-Salem, NC, then over U.S. Hwy 421 to Siler City, NC, and return over the same route.

Between Greensboro, NC, and Siler City, NC, serving all intermediate points, and the off-route points of Cedar Falls, Central Falls, Franklinville, and Worthville, NC: From Greensboro over U.S. Hwy 220 to Ashboro, NC, then over U.S. Hwy 64 to Siler City, and return over the same route. Between junction U.S. Hwys 29 and 29A, near China Grove, NC, and Charlotte, NC, serving all intermediate points: From junction U.S. Hwys 29 and 29A, near China Grove, over U.S. Hwy 29A to Concord, NC, then over North Carolina State Road 1157 (formerly portion U.S. Hwy 29A) to junction North Carolina Hwy 49 (formerly portion U.S. Hwy 29A), about 3 miles southeast of Concord, NC, then over North Carolina Hwy 49 to junction North Carolina State Road 2939 (formerly portion U.S. Hwy 29A), about 2 miles north of Newell, NC, then over North Carolina State Road 2939 to Charlotte, and return over the same route. Between Shelby, NC, and Kings Mountain, NC, serving all intermediate points; also, and in connection with this route, serving the off-route points in Gaston, Lincoln, Catawba, Caldwell, Burke, McDowell, Buncombe, Henderson, Polk, Rutherford, and Cleveland Counties, NC, restricted to the transportation of shipments from points in these counties to points north of the VA-NC State Line, and from points north of said State line to points in these counties: From Shelby over Alternate U.S. Hwy 74 to junction U.S. Hwy 74, then over U.S. Hwy 74 to

Kings Mountain, and return over the same route. Between Charlotte, NC, and Monroe, NC, serving all intermediate points: From Charlotte over U.S. Hwy 74 to junction unnumbered highway southeast of Charlotte, then over unnumbered highway to Monroe, and return over the same route.

Between Maiden, NC, and junction U.S. Hwy 74 and NC Hwy 15, near Shelby, NC, serving all intermediate points; also, and in connection with this route, serving the off-route points in Gaston, Lincoln, Catawba, Caldwell, Burke, McDowell, Buncombe, Henderson, Polk, Rutherford, and Cleveland Counties, NC, restricted to the transportation of shipments from points in these counties to points north of the VA-NC State Line, and from points north of said State line to points in these counties: From Maiden over U.S. Hwy 321 to Lincolnton, NC, then over NC Hwy 150 to junction U.S. Hwy 74, and return over the same route. Between Charlotte, NC, and Lincolnton, NC, serving all intermediate points; also, and in connection with this route, serving the off-route points in Gaston, Lincoln, Catawba, Caldwell, Burke, McDowell, Buncombe, Henderson, Polk, Rutherford, and Cleveland Counties, NC, restricted to the transportation of shipments from points in these counties to points north of the VA-NC State Line, and from points north of said State line to points in these counties: From Charlotte over NC Hwy 27 to Lincolnton, and return over the same route. Between Charlotte, NC, and Clover, SC, serving all intermediate points: From Charlotte over NC Hwy 49 to the NC-SC State line, then over SC Hwy 49 to York, SC, then over U.S. Hwy 321 to Clover, and return over the same route. Between Charlotte, NC, and Statesville, NC, serving all intermediate points: From Charlotte over U.S. Hwy 21 to junction NC Hwy 115 (formerly U.S. Hwy 21) about 3 miles north of Charlotte, then over NC Hwy 115 to Statesville, and return over the same route. Between Pineville, NC, and Lancaster, SC, serving all intermediate points: From Pineville over U.S. Hwy 521 to Lancaster, and return over the same route.

Between Monroe, NC, and Chester, SC, serving all intermediate points, and the off-route points of Waxhaw and Mineral Springs, NC, and Great Falls, SC: From Monroe over NC Hwy 200 to the NC-SC State line, then over SC Hwy 200 to Lancaster, then over SC Hwy 9 to Chester, and return over the same route. Between Cleveland, SC, and Simpsonville, SC, serving all intermediate points; also, and in connection with this route, serving the off-route points of Whitmire, and Newberry, SC, and those in Spartanburg, Greenville, Pickens, Anderson, Abbeville, Greenwood, and Laurens

Counties, SC, restricted to the transportation of shipments from points in these counties to points north of the VA-NC State line, and from points north of said State line to points in these counties: From Cleveland, over U.S. Hwy 276 to Simpsonville, and return over the same route. Between Blacksburg, SC, and Gaffney, SC, serving all intermediate points: From Blacksburg over SC Hwy 5 to junction SC Hwy 18, then over SC Hwy 18 to Gaffney, and return over the same route. Between Clearwater, SC, and Augusta, GA, serving all intermediate points:

Specific Restriction: Service at Augusta is subject to the specific restriction applicable, following the route description immediately below: From Clearwater over SC Hwy 421 to junction US Hwy 1, then over U.S. Hwy 1 to Augusta, and return over the same route. Service at Augusta is restricted to the delivery of southbound shipments of general commodities, with the above-specified exceptions, moving from points authorized in Section (A) in NY; NJ (except Hightstown, Beverly, and Riverside); PA (except Bristol); and DE and to the pickup of northbound shipments of textiles, textile products, and knit goods, moving to points authorized in Section (A) in New York; New Jersey (except Paulsboro and Carneys Point); and Pennsylvania (except Bristol). Between Albemarle, NC, and Badin, NC, serving no intermediate points: From Albemarle over NC Hwy 27 to junction NC Hwy 740, then over NC Hwy 740 to Badin, and return over the same route. Between Lincolnton, NC, and Gastonia, NC, serving all intermediate points; also, and in connection with this route, serving the off-route points in Gaston, Lincoln, Catawba, Caldwell, Burke, McDowell, Buncombe, Henderson, Polk, Rutherford, and Cleveland Counties, NC, restricted to the transportation of shipments from points in these counties to points north of the VA-NC State Line, and from points north of said State line to points in these counties: From Lincolnton over U.S. Hwy 321 to Gastonia, and return over the same route. Between Maiden, NC, and Hickory, NC, serving all intermediate points; also, and in connection with this route, serving the off-route points in Gaston, Lincoln, Catawba, Caldwell, Burke, McDowell, Buncombe, Henderson, Polk, Rutherford, and Cleveland Counties, NC, restricted to the transportation of shipments from points in these counties to points north of the VA-NC State line, and from points north of said State line to points in these counties: From Maiden over U.S. Hwy 321 to Hickory, and return over the same route. Between Hickory, NC, and Asheville, NC, serving all intermediate points; also, and in connection with this route, serving

the off-route points in Gaston, Lincoln, Catawba, Caldwell, Burke, McDowell, Buncombe, Henderson, Polk, Rutherford, and Cleveland Counties, NC, restricted to the transportation of shipments from points in these counties to points north of the VA-NC State line, and from points north of said State line to points in these counties: From Hickory over Alternate U.S. Hwy 70 to junction U.S. Hwy 70, to junction U.S. Hwy 70, then over U.S. Hwy 70 to Asheville, and return over the same route. Between Asheville, NC, and Tuxedo, NC, serving all intermediate points; also, and in connection with this route, serving the off-route points in Gaston, Lincoln, Catawba, Caldwell, Burke, McDowell, Buncombe, Henderson, Polk, Rutherford, and Cleveland counties, NC, restricted to the transportation of shipments from points in these counties to points north of the VA-NC State line, and from points north of said State line to points in these counties: From Asheville over U.S. Hwy 25 to Tuxedo, and return over the same route. Between Hendersonville, NC, and Tryon, NC, serving all intermediate points; also, and in connection with this route, serving the off-route points in Gaston, Lincoln, Catawba, Caldwell, Burke, McDowell, Buncombe, Henderson, Polk, Rutherford, and Cleveland Counties, NC, restricted to the transportation of shipments from points in these counties to points north of the VA-NC Carolina State line, and from points north of said State line to points in these counties: from Hendersonville over U.S. Hwy 176 to Tryon, and return over the same route.

Between Hendersonville, NC, and Bat Cave, NC, serving all intermediate points; also, and in connection with this route, serving the off-route points in Gaston, Lincoln, Catawba, Caldwell, Burke, McDowell, Buncombe, Henderson, Polk, Rutherford, and Cleveland Counties, NC, restricted to the transportation of shipments from points in these counties to points north of the VA-NC State Line, and from points north of said State line to points in these counties: From Hendersonville over U.S. Hwy 64 to Bat Cave, and return over the same route. Between Bat Cave, NC, and Shelby, NC, serving all intermediate points; also, and in connection with this route, serving the off-route points in Gaston, Lincoln, Catawba, Caldwell, Burke, McDowell, Buncombe, Henderson, Polk, Rutherford, and Cleveland Counties, NC, restricted to the transportation of shipments from points in these counties to points north of the VA-NC State Line, and from points north of said State line to points in these counties: From Bat Cave over U.S. Hwy 74 to Shelby, and return over the same route. Between Forest City, NC, and Henrietta, NC, serving all intermediate points;

also, and in connection with this route, serving the off-route points in Gaston, Lincoln, Catawba, Caldwell, Burke, McDowell, Buncombe, Henderson, Polk, Rutherford, and Cleveland Counties, NC, restricted to the transportation of shipments from points in these counties to points north of the VA-NC State Line, and from points north of said State line to points in these counties: From Forest City over Alternate U.S. Hwy 221 to Henrietta, and return over the same route. Between Shelby, NC, and Lawndale, NC, serving all intermediate points; also, and in connection with this route, serving the off-route points in Gaston, Lincoln, Catawba, Caldwell, Burke, McDowell, Buncombe, Henderson, Polk, Rutherford, and Cleveland Counties, NC, restricted to the transportation of shipments from points in these counties to points north of the VA-NC State Line, and from points north of said State line to points in these counties: From Shelby over NC Hwy 18 to Fallston, NC, and then over NC Hwy 182 to Lawndale, and return over the same route.

(B) Regular Routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lancaster SC, and Charleston, SC, serving no intermediate points: from Lancaster over U.S. Hwy 521 to Heath Springs, SC, then over unnumbered highway to junction U.S. Hwy 521, located at or near De Kalb, SC, then over U.S. Hwy 521 to junction SC Hwy 261, located at or near Boykin, SC, then over SC Hwy 261 to junction SC State Road S-43-51 (about 2 miles northwest of Pinewood, SC), then over SC State Road S-43-51 to Rimini, SC, then over SC State Road S-14-26 to Summerton, SC, then over U.S. Hwy 15 to Santee, SC, then over SC Hwy 6 to junction SC Hwy 310, located at or near Vance, SC, then over SC Hwy 310 to junction U.S. Hwy 176, located about 1 mile northwest of Holly Hill, SC, then over U.S. Hwy 176 to junction U.S. Hwy 52, located about 1 mile northwest of Goose Creek, SC, then over U.S. Hwy 52 to Charleston, and return over the same route. Between Rock Hill, SC, and Columbia, SC, serving no intermediate points: From Rock Hill over U.S. Hwy 21 to Columbia, and return over the same route. Between Pageland, SC, and Darlington, SC, serving no immediate points, and serving Darlington for purposes of joinder only: From Pageland over SC Hwy 151 to junction SC Hwy 34, located about 6 miles west of Darlington, then over SC Hwy 34 to Darlington, and return over the same route. Between Chester, SC, and North Augusta, SC, serving no intermediate points: From Chester over SC Hwy 121 to Bel-

vedere, SC, then over SC Hwy 126 to Clearwater, SC, then over SC Hwy 421 to junction SC Hwy 125, located about 2 miles east of North Augusta, then over SC Hwy 125 to North Augusta, and return over the same route. Between Wallace, SC, and Florence, SC, serving no intermediate points: From Wallace over U.S. Hwy 1 to Cheraw, SC, then over U.S. Hwy 52 to Florence, and return over the same route. Restriction: The authority granted in Section (B) shall not be severable, by sale or otherwise, from the irregular route authority contained in Section (C).

(C) Irregular routes: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in SC. Restriction: Carrier shall not, pursuant to the irregular-route authority contained in Section (C), transport shipments moving between any points authorized in Section (B) to be served by it in regular route operations. Regular routes: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of Vick Manufacturing Division of Richardson Merrell, Inc., in the borough of Hatboro, Montgomery County, PA, as an off-route point in connection with carrier's two presently authorized regular-route operations (1) between New York, NY, and North Augusta, SC, and (2) between junction U.S. Hwys 1 and 130, near Milltown, NJ, and Easley, SC. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the Central Distribution Center of Hanes Corp., Knitwear Division, in Davie County, NC (approximately 12 miles southwest of Winston-Salem, NC), as an off-route point in connection with carrier's authorized regular-route operations. *General commodities* (except commodities in bulk, in tank vehicles), between Atlanta, GA, and Tournapul, GA: From Atlanta over U.S. Hwy 23 to junction U.S. Hwy 23, then over U.S. Hwy 123 via Toccoa, GA, to Tournapul, and return over the same route. Service is authorized to and from the intermediate points of Toccoa, GA, and those between Toccoa and Atlanta; and off-routes points within 15 miles of Atlanta. Service at such off-route points is subject to the following commodity description: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk,

and those requiring special equipment), between points in GA, as follows, serving all intermediate points: From Gainesville over U.S. Hwy 129 via Quillians and Clermont, to Cleveland, and return over the same route. From Cornelia over U.S. Hwy 23 to Lumite, and return over the same route. From Toccoa over GA Hwy 17 to Lavonia, then over GA Hwy 59 to Carnesville, and return over the same route. Between Gainesville, GA, and Commerce, GA: From Gainesville over U.S. Hwy 129 via Talmo, GA, to Jefferson, GA, and then over GA Hwy 15 to Commerce, and return over the same route. Service is authorized to and from all intermediate points, except Jefferson, GA.

Between Commerce, GA, and junction GA Hwy 52 and U.S. Hwy 23: From Commerce over GA Hwy 98 to Maysville, GA, and then over GA Hwy 52 via Gillsville, GA, to junction U.S. Hwy 23, and return over the same route. Service is authorized to and from all intermediate points, and the off-route point of Homer, GA. Between Dahlonega, GA, and Gainesville, GA, serving all intermediate points: From Dahlonega over GA Hwy 249 to junction GA Hwy 115, then over GA Hwy 115 to junction GA Hwy 136, then over GA Hwy 136 to Gainesville, and return over the same route. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the terminal site of Central Motor Lines Incorporated, located at or near junction SC Hwy 14 and Interstate Hwy 85 in Greenville County, SC, as an off-route point in connection with carrier's otherwise authorized regular route operations. Between Cornelia, GA, and Dahlonega, GA, serving all intermediate points between Dahlonega and Clarkesville, GA (not including Clarkesville), and the off-route point of Helen, GA: From Cornelia over U.S. Hwys 23 and 441 to Clarkesville, GA, then over GA Hwy 115 via Cleveland, GA, to junction GA Hwy 52, then over GA Hwy 52 to Dahlonega, and return over the same route. Between Toccoa, GA, and Greenville, SC, serving no intermediate points: From Toccoa over U.S. Hwy 123 to Greenville, and return over the same route.

Irregular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment). Between Greenville, SC, on the one hand, and, on the other, points in GA lying on and east of U.S. Hwy 221, within 100 miles of Greenville. Alternate Routes for Operating Convenience Only: *General commodities* (except those of un-

usual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Between Conover, NC, and Salisbury, NC, in connection with otherwise authorized regular route operations between Asheville and Greensboro, NC and Hickory and Greensboro, NC, serving no intermediate points: From Conover over U.S. Hwy and Alternate or By-Pass U.S. Hwy 70 to Salisbury, and return over the same route. Between Asheboro, NC and Wallace, SC, in connection with otherwise authorized regular route operations between Greensboro, NC, and Florence, SC serving no intermediate points: From Asheboro over U.S. Hwy 220 to Rockingham, NC and then over U.S. Hwy 1 to Wallace, and return over the same route. Between Monroe, NC and Pageland, SC, in connection with otherwise authorized regular route operations between Charlotte, NC and Florence, SC, serving no intermediate points: From Monroe over U.S. Hwy 601 to Pageland, and return over the same route. Restriction: The operations authorized herein are restricted to the transportation of traffic received from or delivered to connecting carriers at the said off-route point. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at or destined to points east of the Mississippi River and points east of the eastern boundary of the State of MN (except points in the St. Louis, MO-East St. Louis, IL Commercial Zone as defined by the Commission and except points in the Davenport, IA-Moline and Rock Island, IL Commercial Zone as defined by the Commission). Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are no statements of support attached to the application. Send protests to: District Supervisor, Terrell Price, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

No. MC 52579 (Sub-No. 169TA) (Correction), filed February 15, 1978, and published in the FEDERAL REGISTER issue of March 20, 1978, and republished as corrected this issue. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, NJ 07094. Applicant's representative: Herbert Burstein, Esq., One World Trade Center, Suite 2373, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Wearing apparel on hangers, in mixed loads with wearing apparel in cartons or packages, or wearing apparel acces-*

*sories and supplies* used by wearing apparel stores; and return of *defective, damaged out-of-season or unsaleable wearing apparel accessories* from New York, NY to points in GA and FL for 180 days. Applicant states that it does not intend to tack or interline. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): Lerner's Shops, 460 West 33rd Street, New York, NY. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, NJ 07102. The purpose of this republication is to correct the territorial description.

No. MC 52709 (Sub-No. 347TA) (Correction), filed January 27, 1978, and published in the FEDERAL REGISTER issue of March 10, 1978 as MC 53709 (Sub-No. 347TA), and republished as corrected this issue. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec Street, P.O. Box 7240, Denver, CO 80207. Applicant's representative: Robert P. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Foodstuffs* serving the storage facilities of Pepperidge Farm, Inc., at or near Logan, UT, as an off-route point in connection with carrier's presently authorized regular-route operations at Ogden, UT, for 180 days. Supporting shipper(s): Pepperidge Farm, Inc., 595 Westport Avenue, Norwalk, CT 06856. Send protests to: Roger L. Buchanan, Officer in Charge, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202. The purpose of this republication is to indicate the correct docket number as No. MC 52709 (Sub-No. 347TA) and also to correct the applicant's name.

No. MC 65475 (Sub-No. 15TA), filed March 14, 1978. Applicant: JETCO, INC., 4701 Eisenhower Avenue, Alexandria, VA 22304. Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: (1) *Aluminum slabs, billets, and ingots, and equipment, materials, and supplies* used in the manufacture of aluminum and aluminum products, (a) from the facilities of Howmet Aluminum Corp., located at or near Frederick, MD, to Decatur and Scottsboro, AL, Hot Springs, AR; Miami and Sanford, FL; Gainesville, Jonesboro, Newnan, and Rome, GA; Evansville, IN; Hawesville and Shelbyville, KY; Bossier City, LA; Hernando and Magnolia, MS; Carthage, Elizabethton, and Nashville, TN; and Bryan, TX, and the facilities of Howmet Aluminum Corp., at or near Magnolia, AR, and Rockwall, TX, and

(b) from the facilities of Howmet Aluminum Corp., at or near Magnolia, AR, and Rockwall, TX; to New Madrid, MO, and the facilities of Howmet Aluminum Corp., at or near Marietta, PA, and (c) from Scottsboro, AL, to the facilities of Howmet Aluminum Corp., at or near Lancaster, PA, and; (2) The commodities named in (1) above and secondary aluminum billets, (a) from the facilities of Howmet Aluminum Corp., at or near Magnolia, AR, and Rockwall, TX, to Murraysville, PA, and (b) from the facilities of Howmet Aluminum Corp., at or near Magnolia, AR, to Rome, GA, and Kansas City, MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Howmet Aluminum Corp., Greenwich, CT 06830. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Room 1413, Washington, DC 20423.

No. MC 69833 (Sub-No. 127TA), filed March 15, 1978. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Avenue NW., Vandenberg Center, 6th floor, Grand Rapids, Mich. 49503. Applicant's representative: Harry Phlad (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in the State of OH on and west of Interstate Hwy 77 and on and north of Interstate Hwy 70 as off-route points in connection with carrier's present authorized regular route authority, for 180 days. Applicant has also filed an underlying ETA seeking up to 30 days of operating authority. Supporting Shipper(s): There are approximately (6) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 225 Federal Building, Lansing, MI 48933.

No. MC-98291 (Sub-No. 2TA), filed March 17, 1978. Applicant: KUNKLE TRANSFER & STORAGE CO., 420 South Third Avenue, Phoenix, AZ 85030. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives,

household goods as defined by the Commission, and those requiring special equipment) between points in AZ for 180 days. Supporting shipper(s): Stor Dor Freight System, Inc., 1144 North 19th Avenue, Phoenix, AZ 85009; Merchant Shippers, P.O. Box 6695, 1144 North 19th Avenue, Phoenix, AZ 85005; LAWI/CSA Consolidators, Inc., 805 North Brand Boulevard, Glendale, CA 91203; Western Freight Association, 1144 North 19th Avenue, Phoenix, AZ 85008; Universal Carloading & Distributing Co., Inc., 1142 North 19th Avenue, Phoenix, AZ 85009; Flynt Distributing Co., 40 West Gary Street, Columbus, OH 43215; Ohio Brass, 380 North Main Street, Mansfield, OH 44901; Northern Arizona News Co., Inc. 1709 North East Street, Flagstaff, AZ 86001; Ralston Purina Co., 4700 East Motel Drive Flagstaff, AZ 86001; Desert News, 3535 North First Avenue, Tucson, AZ 85719, Kibbee's Shopping Center, Box E18, Wendon, AZ; Sound & Sight, 224 South Montezuma, Prescott, AZ; Arizona Shipper's Association, Inc. 221 East Congress, Tucson, AZ 85701; Citizens Utilities Co., 3405 Northern Avenue, Kingman, AZ 86401; Woody's Enterprises, Ltd., P.O. Box 36, Aguila, AZ 85320; Tri Valley Equipment Co., Inc., P.O. Box 36, Aguila, AZ 85348; Lee Mercantile Co., Inc., Chief and Elder Avenues, Whiteriver, AZ 85929; White Mountain Supply Co., R.R. No. 4, Box 2254, Lakeside, AZ 85929; Central Pipe & Supply Co., P.O. Box 26445, Tucson, AZ 85726; Yavapai Fleet Supply, 435 North Washington, Prescott, AZ; Illinois-California Express, Inc., 510 East 51st Avenue, Denver, CO 80216; Navajo Freight Lines, Inc., 1205 South Platte River Drive, Denver, CO 80223; ITOFCA, P.O. Box 188, No. 2 Walker Avenue, Clarendon Hills, IL 60514; Sundance Freight Lines, Inc., P.O. Box 7676, Phoenix, AZ; Airway, Trucking, 3501 South 35th Avenue, Phoenix, AZ; Cyprus Bagdad Copper Co., Bagdad, AZ 86321; Frontier Warehouse & Transfer Co., 300 South 25th Avenue, Phoenix, AZ 85009; Garment Carriers, Inc., 1400 North 24th Avenue, Phoenix, AZ and TIME-DC, Inc., 851 South 27th Avenue, Phoenix, AZ 85009. Send protests to: Andrew W. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

No. MC 107496 (Sub-No. 1136TA), filed March 22, 1978. Applicant: RUAN TRANSPORTATION, INC., 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor ve-

hicle, over irregular routes, transporting: *Cement*, (in bulk, in tank vehicles), from Independence, KS, to Omaha, NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): United States Steel Corp., 600 Grant Street, Pittsburgh, PA 15230. Send protests to: Herbert W. Allen District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 111729 (Sub-No. 730TA) (Correction), filed February 8, 1978, and published in the FEDERAL REGISTER issue of March 3, 1978, and republished as corrected this issue. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11040. Applicant's representative: Elizabeth L. Henoeh, Staff Vice President (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media and advertising materials* of all kinds, (2) *Plastic, thermal and ceramic home products*, restricted against the transportation of packages or articles weighing in excess of 300 lbs. in the aggregate, on behalf of Genie, Inc., subsidiary of Avon Products. Between points in Arizona, on traffic having a prior or subsequent out of state movement by motor vehicle, for 180 days. Supporting shipper(s): Genie, Inc., 12836 East Alondra Boulevard, Cerritos, CA 90701. Send protests to: Maria B. Kejes, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007. The purpose of this republication is to add a word in the territorial description that was omitted.

No. MC 113434 (Sub-No. 92TA), filed March 22, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI. 49423. Applicant's representative: Wilhelma Boersma, 1600 First Federal Building, Detroit, MI. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, caps, covers and accessories for glass containers and fibreboard boxes* when moving in mixed shipments with glass containers, from the facilities of Kerr Glass Manufacturing Corp., Dunkirk, IN, to Detroit, Dearborn, Flint and Grand Rapids, MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kerr Glass Manufacturing Corp., P.O. Box 97, Sand Springs, OK 74063. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Room 225 Federal Building, Lansing, MI 48933.

No. MC 113908 (Sub-No. 429TA), filed March 20, 1978. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3880, 2105 E. Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice concentrates and flavoring compounds*, in bulk, from Fresno, CA, to Greensboro, NC for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Henrietta Rancho Products Co., P.O. Box 8000, Fresno, CA 93727. Send protests to: District Supervisor, John V. Barry, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 119726 (Sub-No. 118TA), filed March 20, 1978. Applicant: N.A.B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Applicant's representative: James L. Beattley, 130 East Washington Street, Suite 100, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* (except in bulk) from the facilities of Kal-Kan Foods, Inc., at or near Columbus, OH and Hutchinson, KS, to Minneapolis, MN; St. Louis and Kansas City, MO; Dallas, and Houston, TX; Memphis, TN; Atlanta, GA; Jacksonville, FL; Hanover and Shrewsbury, PA; Baltimore, MD; and Teterboro, NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kal-Kan Foods, Inc., 3386 E. 44th Street, Vernon, CA 90058. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 119934 (Sub-No. 223TA), filed March 22, 1978. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, dry, (in bulk, in tank vehicles), from Illinois, IL, to points in GA, IN, IA, KY, MA, MI, MN, MS, MO, OH, TN, VA, and WI, for 180 days. Supporting shipper(s): Borden Chemical, 180 East Broad Street, Columbus, OH 43215. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 121778 (Sub-No. 1TA), filed January 9, 1978. Applicant: RONALD L. DAY TRANSPORTATION, INC., 733 Kevin Court, Oakland, CA 94621. Applicant's representative: M. C. Leiden, P.O. Box 8594, Berkeley, CA 94710, 415-841-3374. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*. (See attached sheet for territorial description.)

Applicant request authority to operate from, to or between the following points or described areas:

Between the following counties: Alameda, Contra Costa, Los Angeles, Monterey, Napa, Sacramento, San Diego, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, and Solano.

And the following counties: Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Imperial, Kern, Kings, Lake, Larsen, Los Angeles, Madera, Marin, Mendocino, Merced, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, Santa Cruz, Shasta, Siskiyou, Solano, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Ventura, Yolo, and Yuba.

Applicant request authority to operate from, to or between the following points or described areas:

Between the following counties in California: Alameda, Kern, Los Angeles, Orange, Sacramento, San Diego, San Francisco, San Joaquin, San Mateo, and Santa Clara.

And the following counties in Nevada: Carson City, Churchill, Clark, Douglas, Elko, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey, Washoe, and White Pine.

Between the following counties in California: Alameda, Kern, Los Angeles, San Francisco, and San Joaquin.

And the following counties in Nevada: Clark and Nye.

Applicant request authority to operate from, to or between the following points or described areas:

Between the following counties in Nevada: Washoe.

And the following counties in California: Alameda, Butte, Colusa, Contra Costa, El Dorado, Fresno, Humboldt, Imperial, Kern, Kings, Los Angeles, Madera, Marin, Mendocino, Merced, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Stanislaus, Sutter, Tehama, Tulare, Ventura, Yolo, and Yuba.

For 180 days. Supporting Shipper(s): There are approximately 44 state-

ments of support attached to the application which may be examined at the field office named below. Send protests to: District Supervisor, A. J. Rodriguez, 211 Main St., Suite 500, San Francisco, CA 94105.

No. MC 123819 (Sub-No. 55TA), filed March 20, 1978. Applicant: ACE FREIGHT LINE, INC., 3359 Cazassa Road, P.O. Box 16589, Memphis, TN 38116. Applicant's representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, GA 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except in bulk), from the facilities of Joan of Arc at or near Hoopston and Princeville, IL, to points in TN, MS, AR, LA, and AL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Joan of Arc Co., Inc., 2231 West Altorfer Drive, Peoria, IL 61614. Send protests to: Floyd A. Johnson, District Supervisor, I.C.C., 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

No. MC128862 (Sub-No. 26TA), filed March 14, 1978. Applicant: B. J. CECIL TRUCKING, INC., Box C, Claypool, AZ 85532. Applicant's representative: Chris Cecil, Box C, Claypool, AZ 85532. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grinding media* for the copper industry, to be transported, in bulk, in dump vehicles with reduction chutes to facilitate unloading, on a return basis, scrap metal will be transported, in bulk, in dump vehicles, with sufficient capacity to obtain maximum weight. Grinding media will move from border Steel, I-10 and Vinton Road, El Paso County, TX, 3 miles south of NM-TX Border, to Ajo, Bagdad, Sacaton, and Morenci, AZ; Gila County, AZ, and Pima County, AZ, and *Scrap metal*, from Phoenix, Tempe, and Tucson, AZ, to facilities of Border Steel, El Paso County, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Border Steel Mills, Inc., P.O. Box 12843, El Paso, TX 79912. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 N. First Avenue, Phoenix, AZ 85025.

No. MC 133175 (Sub-No. 5TA), filed March 20, 1978. Applicant: METALS TRANSPORT CO., 1140 Poland Avenue, Youngstown, OH 44502. Applicant's representative: James Duvall, P.O. Box 97, 220 West Bridge Street, Dublin, OH 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*,

(except those of unusual value, classes A and B explosives and commodities in bulk) Between Van Wert, OH, Youngstown, OH and Rainsville, AL, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI and the DC. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Republic Buildings Corp., of Van Wert, OH, for 180 days. Supporting Shipper: Republic Buildings Corp., 1202 Industrial Avenue, Van Wert, OH 45891. Send protest to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 133689 (Sub-No. 174TA), filed March 14, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products and articles distributed by meat packing-houses*, as described in sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, (except hides and commodities in bulk), from Mason City, IA, to CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VA, WV, DC, IL, IN, KY, TN, NC, SC, and GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Armour Food Co., Phoenix, AZ. Send protest to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 134286 (Sub-No. 50TA), filed March 20, 1978. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Applicant's representative: Charles J. Kimball, Suite 350, Capital Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Bakery products* (except commodities in bulk), from the plantsite and/or storage facilities of Arnold Bakers at or near Stamford, CT, to Cleveland, OH; Detroit, MI; Williamsburg and Norfolk, VA; and all points in the commercial zones of each city named above, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days

of operating authority. Supporting shipper: Jim Helms, Traffic Manager, Arnold Bakers, Hamilton Avenue, Greenwich, CT 06830. Send protests to: Carroll Russell, District Supervisor, ICC, Suite 620, 110 No. 14th Street, Omaha, NE 68102.

No. MC 134477 (Sub-No. 222TA), filed March 14, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, dairy products, and articles distributed by meat packing-houses*, as described in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Mason City, IA, to CT, DE, IL, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, TX, VT, VA, WV, WI and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Armour Food Co., Phoenix, AZ. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 134755 (Sub-No. 130TA) (Correction), filed February 10, 1978 and published in the FEDERAL REGISTER issue of March 3, 1978, and republished as corrected this issue. Applicant: CHARTER EXPRESS, INC., 1959 East Turner Street, Springfield, MO 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff* (except in bulk, in tank vehicles); in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Kraft, Inc. at Decatur, GA to points in AL, LA, and MS for 180 days. Supporting shipper(s): Kraft, Inc., 500 Peshtigo, CT, Chicago, IL 60690. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission-BOP, Federal Building, 911 Walnut Street, Kansas City, MO 64106. The purpose of this republication is to correct the territorial description.

No. MC 135352 (Sub-No. 11TA), filed March 20, 1978. Applicant: LITTLE DUTCH LINES, INC., 1111 North Prairie Street, Pella, IA 50219. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, trans-

porting: *Meat, meat products, meat by-products and articles* distributed by meat packinghouses, as described in Appendix I, Sections A and C to the reports in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and Commodities in bulk), from the facilities of Rawhide Ranch Bavarian Meats Corp., near Sigourney, IA, to points in IL, MN, MO, NE, ND, SD, and WI, under a continuing contract or contracts, with Rawhide Ranch Bavarian Meats Corp. for 180 days. Supporting shipper: Rawhide Ranch Bavarian Meats Corp., R.R. No. 3, P.O. Box 200, Sigourney, IA 52591. Send protests to: Herbert W. Allen, DS, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 139468 (Sub-No. 23TA), filed January 13 1978. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 6534 Gessner, Houston, TX 77040. Applicant's representative: John T. Wirth, 2310 Colorado State Bank Building, 16 Broadway, Denver, CO 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Window and window frames, door and door frames* from the plantsites and facilities of National Steel Products Co., Inc., at or near Monroe and Shreveport, LA to points in AL, AR, MN, MS, MO, NE, OK, TN, TX, and WI. *Materials, supplies and equipment* utilized in the manufacturing, processing and distributing of the commodities described above from points in AL, AR, GA, IL, IN, IA, KA, KY, MN, MS, MO, NE, OK, TN, TX, and WI, to the plantsites and facilities of National Steel Products Co., Inc., at or near Monroe and Shreveport, LA. Restriction: Restricted to (a) traffic either originating at or destined to the facilities of National Steel Products Co., Inc., and restricted to (b) traffic moving under a continuing contract or contracts with National Steel Products Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): National Steel Products Co., Inc., P.O. Box 40490 (F.M. 529), Houston, TX 77040. Send protests to: District Supervisor John F. Mensing, Interstate Commerce Commission, 8610 Federal Building, 515 Rusk Ave., Houston, TX 77002

No. MC 140389 (Sub-No. 26TA), filed March 20, 1978. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Hwy 77 North, Gadsden, AL 35902. Applicant's representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpets, and textile products*, from points in GA to points

in AL, LA, and MS and those points in TN on and west of U.S. Hwy 31, for 180 days. Supporting shipper: There are approximately 15 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations ICC, Room 1616-2121 Building, Birmingham, AL 35203.

No. MC 140389 (Sub-No. 27TA), filed March 20, 1978. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Hwy 77 Gadsen, AL 35902. Applicant's representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificate 61 MCC 209 and 766 (except hides and commodities in bulk). From facilities of Morgan Colorado Beef Co. at or near FT. Morgan, CO to Atlanta, GA and points in its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morgan Colorado Beef Co., P.O. Box 487, Ft. Morgan, CO 80701. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations ICC, Room 1616-2121 Building, Birmingham, AL 35203.

No. MC 140389 (Sub-No. 28TA), filed March 20, 1978. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Hwy 77 Gadsen, AL 35902. Applicant's representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk). From the facilities of Columbia Foods, Inc., at or near Wallula, WA, to points in AL, FL, GA, MS, NC, SC, and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Columbia Foods, Inc., Dakota City, NE 68731. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations ICC, Room 1616-2121 Building, Birmingham, AL 35203.

No. MC 143179 (Sub-No. 2TA) (Correction), filed February 14, 1978, and published in the FEDERAL REGISTER

issue of March 14, 1978, and republished as corrected this issue. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 68101. Applicant's representative: Foster L. Kent (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Plastic containers and lids, and plastic foam products*, from Omaha, NE, to points in CO, IL, IA, KS, MI, MN, MS, OK, TX and WI, under a continuing contract, or contracts, with Air Tite Plastics Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): M. L. Arendt Traffic Manager, Air Tite Plastics Co., 13724 Industrial Road, Omaha, NE. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102. The purpose of this republication is to correct the territorial description.

No. MC 143471 (Sub-No. 2TA), filed March 20, 1978. Applicant: SHERIDAN HEIGHTS, INC. d.b.a. KNECHT TRANSPORT, 301 Mt. Rushmore Road, Rapid City, SD 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Such commodities as are handled or dealt in by wholesalers, warehouses, retailers, manufacturers, processors or distributors of building materials and supplies; hardware; plumbing supplies; electrical supplies; cement materials; and landscaping materials* between points in IL on the one hand, and, on the other, points in ND, SD, NE, WY, and MT, under a contract with Knecht Industries, Inc., including their wholly owned, unincorporated divisions of Building Materials Distributors, Big K Cash & Carry, Mastercraft Factory, Homes by Knecht, Mastercraft Homes and Knecht Lumber Co, for 180 days. Supporting shipper: Knecht Industries, Inc., 301 Mt. Rushmore Road, Rapid City, SD 57701. Send protests to: J. L. Hammond, District Supervisor, I.C.C., Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

No. MC 144193 (Sub-No. 1TA), filed January 23, 1978. Applicant: WILLIAM E. HIBBITT AND DAVID MA-CAULAY d.b.a. LAWRENCE MOVING & STORAGE CO., 4725 South Valley View, Las Vegas, NV 89109. Applicant's representative: William E. Hibbitt, General District Manager, 4725 South Valley View, Las Vegas, NV 89109. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Used HHG* pursuant to a pack and crate contract for the U.S. Air

Force through the base procurement division of Nellis Air Force Base.\* *Used HHG*, between points in Clark County and Lincoln County as well as the south half of U.S. 6 of Nye County. Restriction: The operations authorized herein are restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or other packing uncrating, and decontainerization of such traffic. Applicant's operation itself will be solely within the state of NV, and in particular, the Las Vegas area both inside and outside of the Las Vegas commercial zone. Applicant seeks authority to operate between points in Clark County and Lincoln County as well as the south half of U.S. 6 of Nye County, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Nellis Airforce Base, Ms. Beulah Hillhouse, contracting officer, 57 TTW/LGPBV, P.O. Box 9712, Nellis AFB, NV 89191. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, 203 Federal Bldg., 705 North Plaza Street, Carson City, NV 89701.

No. MC 144438 (Sub-No. 1TA), filed March 20, 1978. Applicant: COUNTY LINE TRUCKING, INC., 224 North Defiance Street, Archbold, OH 43502. Applicant's representative: Michael M. Briley, 300 Madison Avenue, 12th Floor, Toledo, OH 43603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and commodities distributed by meat packinghouses* (except in cans or bottles and except commodities in bulk, in tank vehicles), from the facilities of Dinner Bell Foods, Inc. located at Archbold, Defiance and Troy, OH, to points in CT, KY, ME, MD, MA, NH, NJ, NY, PA, RI, VA, WV, and Washington, DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dinner Bell Foods, Inc., Defiance, OH. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations-ICC, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 144438 (Sub-No. 1TA), filed March 20, 1978. Applicant: COUNTY LINE TRUCKING, INC., 224 North Defiance Street, Archbold, OH 43502. Applicant's representative: Michael M. Briley, Attorney-at-Law, 300 Madison Avenue, 12th Floor, Toledo, OH 43603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*

and commodities distributed by meat packinghouses (except in cans or bottles and except commodities in bulk, in tank vehicles), from the facilities of Dinner Bell Foods, Inc. located at Archbold, Defiance and Troy, OH, to points in CT, KY, ME, MD, MA, NH, NJ, NY, PA, RI, VA, WV, and Washington, DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dinner Bell Foods, Inc., Defiance, OH. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations-ICC, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

PASSENGER CARRIER

No. MC 144206 TA (Correction), filed January 20, 1978, and published in the FEDERAL REGISTER issue of March 10, 1978, and republished as corrected this issue. Applicant: JONES BROOKS, d.b.a., PRAIRIE JAYS CHARTER BUS CO., 1408 Eastern Drive, Urbana, IL 61801. Applicant's representative: Douglas G. Brown, The INB Center Suite 555, Spring-

field, IL 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charter bus passengers and their baggage*, from points in the following IL Counties; Iroquois, Ford, Dewitt, Piatt, Champaign, Vermilion, Moultrie, Douglas, Coles and Edgar, to points throughout the United States, except Alaska and Hawaii, and return, for 180 days. Supporting shipper(s): There are approximately (5) statements of support attached to the application which may be examined at the field office named below. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701. The purpose of this republication is to correct the authority requested which is common in lieu of contract authority which was previously published in error.

By the Commission.

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

[FR Doc. 78-10602 Filed 4-18-78; 8:45 am]

# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 91-409), 5 U.S.C. 552b(e)(3).

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### [6320-01]

1

#### CIVIL AERONAUTICS BOARD.

[M-123, amdt 1]

NOTICE OF ADDITION AND DELETION OF ITEMS TO THE APRIL 14, 1978 AGENDA.

TIME AND DATE: 9:30 a.m., April 14, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., D.C. 20428.

SUBJECT: (added) 1a. Docket 30277, Chicago-Midway Low Fare Route Proceeding (Request for Instructions) (OGC). 28a. Possible strike of Northwest Airlines on April 29, 1978 and delegation to the Director, Bureau of Pricing & Domestic Aviation of authority to handle contingent exemption applications occasioned by the possible strike (BPDA). (deleted) 19. Docket 32253, Mainland-Puerto Rico/Virgin Island fare increases proposed by American and Eastern (BPDA). 23. Docket 32305, Night coach "Super-Saver" fares proposed by Eastern (BPDA).

STATUS: Open.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The Board will hear oral argument in the Chicago-Midway Low-Fare Route Proceeding on April 13, 1978. The argument is expected to last all day. In keeping with its policy of issuing instructions to staff as soon as possible after an oral argument, the Board will

issue the instructions on Friday, April 14, 1978. Item 28a. concerns the Board's plans about a possible strike of Northwest Airlines on April 29, 1978. The staff is proposing that the Board immediately invite emergency exemption applications contingent on a strike of Northwest Airlines and that the Director-Designate of BPDA be delegated the authority to handle those applications. It is necessary that the Board consider this item so that any action necessary to continue essential air services can be taken in advance of a strike. Due to a clerical error, item 19 was inadvertently added to the April 14, 1978 agenda. Since the regular Board meeting is April 14 and item 23 must be acted on by April 13 (15 days before the effective date) that staff requested that it be removed from the April 14 calendar and be considered by notation. Accordingly the following Members have voted that agency business requires the addition of Items 1a and 28a and the deletion of Items 19 and 23 from the April 14, 1978 agenda and that no earlier announcement of these changes 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-804-78 Filed 4-17-78; 9:07 am]

### [6320-01]

2

#### CIVIL AERONAUTICS BOARD.

[M-123, Amdt. 2]

NOTICE OF DELETION OF ITEM FROM THE APRIL 14, 1978 AGENDA.

TIME AND DATE: 9:30 a.m., April 14, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 15. Dockets 32290 and 19923, air freight liability and routing rules proposed by various carriers (BPDA).

STATUS: Open.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The reason for the deletion is that the item involves a basic policy decision,

and the staff needs additional time to consider the matter. Accordingly, the following Members have voted that agency business requires the deletion of this item 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-805-78 Filed 4-17-78; 9:07 am]

### [6320-01]

3

#### CIVIL AERONAUTICS BOARD.

[M-123, Amdt. 3]

NOTICE OF DELETION AND ADDITION OF ITEMS TO THE APRIL 14, 1978 AGENDA.

TIME AND DATE: 9:30 a.m., April 14, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: (added) 19a. Revised passenger fare structure and overall 15-percent fare increase for Air Micronesia (Memo No. 7717-C, BPDA). (deleted) 31. Docket 31976, *California-Florida Low-Fare Case*, (Previously, *Miami-Los Angeles Low-Fare Case*)—Consolidation of American's Application (Memo No. 7354—I, OGC).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, 202-683-5068.

SUPPLEMENTARY INFORMATION: By Order 78-3-69, March 16, 1978, the Board suspended a proposal by Continental, on behalf of Air Micronesia, Inc., to revise the level and structure of passenger fares to/from/within the Pacific Trust Territory. The Board, however, stated its intention to continue its review of that proposal. The staff has now submitted a further recommendation to the Board, and in fairness to the carrier we should consider that recommendation as promptly as possible. The intended effective date was April 2, 1978. Due to a clerical error, Item 31 was inadvertently added to the April 14, 1978 agenda. Accordingly, the following Members have voted that agency business requires the addition of Item 19a and the deletion of Item 31 and that no earlier announcement of these changes 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-806-78 Filed 4-17-78; 9:07 am]

[6320-01]

4

CIVIL AERONAUTICS BOARD.

[M-124]

TIME AND DATE: 10 a.m., April 18, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Oral argument on tour operator emergency.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary,  
202-673-5068.

[S-807-78 Filed 4-17-78; 9:07 am]

[6320-01]

5

CIVIL AERONAUTICS BOARD.

[M-125]

TIME AND DATE: 11 a.m., April 19, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: (1) Ratification of items adopted by notation; (2) Tour Operator Emergency (Instructions to Staff) (BPDA); (3) Docket 25908, Transatlantic Route Proceeding (Dual Designation Issue) (OGC); (4) Docket 30699, *Oakland Service Case* (BPDA); (5) Docket 30255, *Trans-Mediterranean Airways, S.A.L., Foreign Air Carrier Permit* (Memo No. 7026-D, OGC, BIA); (6) Docket 22859, *Domestic Air Freight Rate Investigation* (OGC); (7) Docket 31809, Petition of DHL Corporation for rulemaking to require qualifications of fitness for Section 418 all-cargo carriers (Memo No. 7897, OGC); (8) Docket 29171, Board decision on discretionary review of initial decision approving settlement of ABC-Trans-National Transport Inc., d.b.a. ABC Air Freight, Enforcement Proceeding (Memo No. 7658-A, OGC); (9) Reduced economy (Chickenfeed) fares proposed by Continental (BPDA); (10) Docket 32253, Mainland-Puerto Rico/Virgin Island fare increases (BPDA); (11) Docket 30777, IATA agreement proposing fare increases with the South West Pacific (BPDA); (12) Docket 30777, Agreement 27218, IATA agreement revalidating present North Atlantic-Africa passenger fares (BPDA); (13) Dockets 32290 and 19923, Air Freight liability and routing rules pro-

posed by various carriers (BPDA); (14) Docket 25659, Piedmont Aviation, Inc.—Petition for Reconsideration of Order 77-12-108 (Memo No. 7099-C, BFR, OC, OGC); (15) Dockets 28515, 28604, and 28578, additional requests of Pan American to market inclusive tours in the United Kingdom; TIA to control additional tour operator subsidiaries in Switzerland and Luxembourg; and World for a blanket authorization to acquire tour operators abroad (Memo Nos. 7165-B, BPDA, BIA, OGC); (16) Docket 26218, Frontier's application to renew its suspension at Stillwater, Okla. (Memo No. 4436-E, BPDA); (17) Docket 31467, Piedmont's Exemption Request to Operate One Daily Round-trip Charleston-Miami Flight (Memo No. 7906, BPDA, OGC); (18) Docket 31493, Southern Airways—Certificate Amendment to Add Jackson, Tenn., as an Intermediate Point on Segment 2 of Route 98 (Memo No. 7590-A, BPDA); (19) Dockets 29774, 25897, 26183, 31141, 31259, 30390, 28874, 29983, 28775, Delta Air Lines Route Realignment and related matters (Memo No. 7905, BOR, OGC); (20) Annual Review of Outstanding Delegations of Authority (Memo No. 7903, BPDA, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary,  
202-673-5068.

[S-808-78 Filed 4-17-78; 9:07 am]

6

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 43, No. 72, April 13, 1978, p. 15552.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., April 18, 1978.

CHANGES IN THE MEETING: Postponed until Thursday, April 20, 1978, at 2:30 p.m. in the 5th Floor Hearing Room.

[S-814-78 Filed 4-17-78; 3:38 pm]

[6712-01]

7

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, April 20, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

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:

Agenda, Item No., Subject

- General—1—Petitions to extend January 1, 1978 marketing cut-off date for used 23-channel CB radios.
- Safety and Special Radio Services—1—Amendment of Parts 1, 81 and 87 of the Commission's Rules to require notification upon commencement of service of stations in the Aviation Services.
- Safety and Special Radio Services—2—Increase in frequencies available for General Class amateur radio operators.
- Common Carrier—1—Need for preferential rates for press use of domestic private line service (Docket No. 20667).
- Common Carrier—2—Clarification of designation for hearing of Offshore Telephone Co.'s complaint (Docket No. 21396).
- Common Carrier—3—Western Union Telegraph Co.'s separation of collateral services from its SICOM Service.
- Common Carrier—4—Amendment of Section 21.13(f) of the Commission's Rules deferring State certification until after construction of DPLMRS station (Docket No. 20870, 61 FCC 2d 266).
- Common Carrier—5—Revisions to Pacific Telatronic's Tariff FCC No. 4 and disconnection of PTI's service to a cable television operator in Eugene, Oreg.
- Common Carrier—6—Reconsideration of revenue requirement treatment of AT&T's advertising expense and charitable contributions.
- Common Carrier—7—Intergovernmental Maritime Consultative Organization: Establishment of an international maritime satellite system.
- Cable Television—1—Petition for special relief, filed by Futurevision Cable Enterprises. (Eatontown, Oceanport, West Long Branch, Monmouth Beach, and Sea Bright, N.J.) CSR-666.
- Cable Television—2—Petition for order to show cause, filed by WGAL Television, Inc., Lancaster, Pa.
- Cable Television—3—Petition for order to show cause (CSC-169) filed by Faith Center, (KVOF-TV), San Francisco, Calif.; and petitions for special relief (CSR-1113-16) filed by cable systems subject to KVOF's petition.
- Cable Television—4—Application, filed by Valley Cable TV (Fort Valley and Peach County, Ga.), for review of bureau action; and opposition by Bibb Television (WCWB-TV, Macon, Ga.).
- Cable Television—5—Applications filed by Hubbard Broadcasting (WTOG, St. Petersburg, Fla.) and by Orion Broadcasting (WAVE-TV, Louisville, Ky.), for review of bureau decisions in Storer Cable TV of Florida and Clark County Cablevision, respectively.
- Cable Television—6—Petition for reconsideration of bureau's grant of two certificates of compliance (CAC-7850, CAC-8153).
- Renewal—1—Petitions to deny 1977 renewal applications of 11 licensees (22 stations) in Los Angeles, Calif.
- Aural—1—Applications for construction permits filed by Ben Lomond Broadcasting Co. (BPH-8,473) and Group Communications, Inc. (BPH-8,493) both of Ogden, Utah.
- Aural—2—Applications for construction permits filed by Brothers Broadcasting (WXVI, Montgomery, Ala.) and by

BDT&W Broadcasting (New AM, Dimondale, Mich.).

Television—1—Reconsideration of Broadcast Bureau's grant of Guam Educational Telecommunication Corp.'s VHF translator, Merizo, Guam (BPTTV-5873).

Broadcast—1—Changes in the Commission's Rules relating to noncommercial educational FM Broadcast stations (Docket No. 20735).

Complaints and Compliance—1—Review of complaint against WCKT (Miami, Fla.) filed October 12, 1977 by the Better Business of South Florida, Inc.

#### PORTION CLOSED TO THE PUBLIC:

##### *Agenda, Item No., Subject*

Hearing—1—Petitions filed by WIOO (Carlisle, Pa.) in its competitive renewal proceeding (Docket Nos. 21506-07).

Hearing—2—Waiver of provision requiring presiding judge's permission to appeal to the Commission from an adverse interlocutory ruling in DPLMRS proceeding (Docket Nos. 20871-2 and 20938).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

#### CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Office, telephone number 202-632-7260.

Issued: April 13, 1978.

[S-813-78 Filed 4-17-78; 2:43 pm]

#### [6740-02]

8

#### FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 16257, April 17, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 19, 1978.

CHANGE IN THE MEETING: The following items have been added.

##### *Item No., Docket No., and Company*

RP-5.—RP72-149 (PGA77-10), Mississippi River Transmission Corp.

CI-12.—Southern Union Gathering Co., Rate Schedule No. 2.

M-0.—RM78-6, Exemption of Certain Emergency Gas Transportation Arrangements During the Coal Emergency.

KENNETH F. PLUMB,  
Secretary.

[S-811-78 Filed 4-17-78; 2:43 pm]

#### [6720-01]

9

#### FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 A.M., April 24, 1978.

PLACE: 1700 G Street, NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

#### CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall 202-377-6679.

#### MATTERS TO BE CONSIDERED:

Request for Purchase of Real Property from an Affiliated Person—Reserve Savings and Loan Association, Wichita, Kans. Application for Authority to incur Debt—Patagonia Corp., Tucson, Ariz.

Branch Office Application—First Federal Savings and Loan Association, Shelby, N.C.

Consideration of Service Corporation Activity—First Federal Savings and Loan Association of Mid-Florida, Deland, Fla.

Branch Office Application—Home Federal Savings and Loan Association, Albany, Ga.

Branch Office Application—San Diego Federal Savings and Loan Association, San Diego, Calif.

Request for Modification of Net Worth Condition—D. H. Baldwin Co., Cincinnati, Ohio.

Concurrent Consideration of Branch Office Application and Permission to Organize Request—(1) First Federal Savings and Loan Association of Pineville, Ky.; and (2) David O. Smith, et al., Williamsburg, Ky.

Consideration of Sale of FSLIC Mortgage Interest—Sunset Nursing Home, Chicago, Ill.

Branch Office Application—Century Federal Savings and Loan Association, Pittsburgh, Pa.

Branch Office Application—Fidelity Federal Savings and Loan Association, Glendale, Calif.

Branch Office Application—Doolin Federal Savings and Loan Association of New Martinsville, New Martinsville, W.Va.

Limited Facility Branch Office Application—Coast Federal Savings and Loan Association, Los Angeles, Calif.

[S-810-78 Filed 4-17-78; 2:43 pm]

#### [6210-01]

10

#### FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS).

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 15231, April 11, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Friday, April 14, 1978.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item was added:

Internal personnel matters at the Board relating to: (a) organizational issues within the Board's official staff, and (b) proposed organizational changes within the Board's staff. (This matter was originally announced for a meeting on March 27, 1978).

#### CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board: 202-452-3204.

Dated: April 14, 1978.

GRIFFITH L. GARWOOD  
Deputy Secretary of the Board.  
[S-802-78 Filed 4-17-78; 9:07 am]

#### [6210-01]

11

#### FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS).

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Sent to FEDERAL REGISTER on April 11, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, April 19, 1978.

CHANGES IN THE MEETING: Deletion of the following open item from the agenda:

Proposed statement to be presented to the Subcommittee on Federal Spending Practices and Open Government of the Senate Committee on Governmental Affairs regarding the impact of the Government in the Sunshine Act.

This matter will be rescheduled at a later time.

#### CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board: 202-452-3204.

Dated: April 14, 1978.

THEODORE E. ALLISON,  
Secretary of the Board.  
[S-803-78 Filed 4-17-78; 9:07 am]

#### [7715-01]

12

#### POSTAL RATE COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, April 12, 1978.

PLACE: Commission Conference Room, Room 500, 2000 L Street NW., Washington, D.C. 20268.

STATUS: Open.

MATTERS TO BE CONSIDERED: Election of a Vice Chairman.

#### CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, telephone 202-254-5614.

[S-809-78 Filed 4-17-78; 9:36 am]

## SUNSHINE ACT MEETINGS

[4410-01]

13

UNITED STATES PAROLE COMMISSION: National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: Thursday, May 4, 1978; 9:30 a.m.

PLACE: Room 338 Federal Home Loan Bank Board Building, 320 First Street, NW., Washington, D.C. 20537.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Referrals from regional commissioners of approximately 20 cases in which inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:

Lee H. Chait, Analyst 202-724-3094.

[S-812-78 Filed 4-17-78; 2:43 pm]

[7590-01]

14

NUCLEAR REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 16259.

TIME AND DATE: Week of April 17, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

THURSDAY, APRIL 20

1 p.m.—Discussion of NRDC Request for Hearing in Tarapur Export License (XSNM-1060) (Approximately 2 hours) (public meeting).

SUPPLEMENTAL INFORMATION: This meeting will include possible Commission action on the Tarapur Export License (XSNM-1060).

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

ROGER M. TWEED,  
*Office of the Secretary.*

[S-819-78 Filed 4-18-78; 9:33 am]

Registered  
Federal  
Project

WEDNESDAY, APRIL 19, 1978  
PART II



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DEPARTMENT OF  
HEALTH,  
EDUCATION, AND  
WELFARE

Office of Human  
Development Services



MODEL PROJECTS ON  
AGING PROGRAM

[4110-92]

**DEPARTMENT OF HEALTH,  
EDUCATION AND WELFARE**

Office of Human Development Services

[Program Announcement No. 13634-7811]

**MODEL PROJECTS ON AGING PROGRAM**

**Acceptance of Applications**

The Administration on Aging announces that applications are being accepted from public or non-profit private agencies or organizations for grants under the Model Projects on Aging Program authorized by Title III, Section 308 of the Older Americans Act of 1965, as amended (42 U.S.C. 300, 30213028).

Applications for Model Projects may be submitted at any time and those received after one closing date will be held for the next. All applications received by June 1, 1978, which meet legal requirements for consideration to receive grants will compete for awards to be announced during August 1978. Applications meeting legal requirements for a grant received between June 1 and September 1, 1978, will compete for awards to be announced during November 1978.

The regulations applicable to this program include the Administration on Aging general regulations, 45 CFR Chapter XIII, Subchapter C Part 1325.

*Scope of this announcement.* This program announcement covers the funding priorities of the Model Projects on Aging Program for the remainder of the fiscal year 1978 Grant Program and first quarter of fiscal year 1979, and includes several special emphasis areas. Additional funds are set aside in support of the access assistance program which combines the previous nursing home ombudsman and legal services programs. These funds will be awarded to State Agencies on Aging and through contract to other qualified organizations. For further information, consult the Model Projects Program Guidelines. It is expected that another announcement will be published announcing the remainder of the 1979 Grant Program.

**I. PROGRAM PURPOSE**

Projects funded under the Model Projects program as authorized in the Older Americans Act are to develop or foster the development of models which will expand or improve on social services or otherwise promote the well-being of older persons.

Model Projects are to test and demonstrate new or improved services, delivery systems, planning approaches, interagency arrangements or other developments that have a clear potential for widespread use. Applications should include plans for disseminating

information developed by the projects and promoting broad use of it.

**II. PROGRAM PRIORITIES**

**A. IDENTIFIED PRIORITIES**

Proposals in each of the following areas will be given special consideration.

1. *Community care systems and services.* Major program support will be given to improve systems of comprehensive and integrated services for elderly persons, particularly those elderly at risk of losing their ability to maintain self-sufficiency and independent living arrangements (those who are alone, of advanced age, on low income and suffering from chronic or recurrent physical or mental disabilities).

a. *State services and systems.* This priority is to develop and encourage the adoption of models to improve the organization and capacity of State agencies on aging and to assist them in their efforts to better (1) meet the changing needs of the older population, with emphasis on service systems, and (2) generate new and improved services to better meet the needs of the old.

Projects may be supported which develop and demonstrate: (1) Models for improved planning and management of comprehensive human service programs at State levels to better meet the needs of chronically impaired adults, including health, social and other service systems. The emphasis is upon replicable models for managing services systems and for providing data for State decision-making purposes (including costing of services, and alternative statewide administrative arrangements); and/or

(2) Models for longer range planning for use by the State at State and local levels, including social health, education, recreation and other areas of need that currently exist or are expected, within the older population referred applicants: State Agencies on Aging in collaboration with other agencies or organizations with expertise in systems development.

Funds available: \$800,000. Number of awards anticipated: 6-9.

b. *Local Community Care System (Geriatric Centers).* Projects may be supported to develop and test various institutional and administrative arrangements, and organizational arrangements (systems), at the community level designed to—

(1) Foster the development of least restrictive alternatives, and to assure appropriate services selections (including the establishment of community geriatric care centers for assessing persons' needs and assuring provision of quality services);

(2) Establish uniform sets of services standards;

(3) Develop administrative arrangements which facilitate community management of services, linkages of health and social services planning and administration; and use of uniform procedures by collaborating agencies designed to facilitate use of least restrictive alternative services. Such projects will be expected to include—

(a) New or innovative programs and policies to stimulate or help establish a comprehensive range of community services for impaired elderly;

(b) Orientation of professional personnel serving in these programs; and

(c) Evaluation and assessment (including client assessment; project evaluation; cost analyses; program evaluation; mix of services, quality control, etc.); and assessment of benefits to client, agency and community.

Preferred applicants: Open.

Funds available: \$1,300,000.

Number of awards anticipated: 8-12.

c. *Community Care Services.* Projects may be supported which—

(1) Develop, test and demonstrate new and improved approaches for improving the quality and method of delivery of traditional services to older persons (e.g., housing, health, education, referral, etc.);

(2) Develop and test types and levels of services which may be uniquely needed by older persons who have formed a "household" or living arrangements for reason of finances and mutual support; and

(3) Adapt and incorporate the hospice concept in the aging services system with attention to receptiveness to such a service by older persons, the level and type of professional preparation and support required, and alternative organizational arrangements for the hospice within this system.

Preferred applicants: Open.

Funds available: \$900,000.

Number of awards anticipated: 9-12.

2. *Family and Community Supports.*

Projects may be funded which demonstrate changes required in the existing social and health service systems to foster informal, mutually supportive living and service arrangements among older persons, their families and friends. Projects may be designed to—

a. Develop and test alternative models for the provision of comprehensive services in the home, within the framework of family relationships and informal support systems;

b. Develop and test supportive services required by families and friends in caring for older persons at home;

c. Develop and test modules for educating and training families and neighborhood groups care of chronically impaired older persons in their homes; and

d. Develop and test the effectiveness of supportive services needed by care taker and family members and cost of various financial arrangements.

Preferred applicants: Open.  
Funds available: \$800,000.  
Number of awards anticipated: 8-13.

#### B. APPLICANT INITIATED PROPOSALS

The need is great within the Nation for innovation, and for general improvement in the quality of services available to older persons. Applicants are encouraged to propose different approaches, systems, technologies, statutes, policies, or other developments which have the potential to improve the quality of life for older persons. Such applications will need to present, convincingly, the special contributions the project could be expected to make.

Preferred applicants: Open.  
Funds available: \$1,200,000.  
Number of awards anticipated: 8-13.

#### C. OTHER ACTIVITIES

Activities not within the priorities indicated above may be supported also if they show special promise of contributing to the quality of life of older persons, and are within the intent of the Model Projects on Aging Program.

#### III. ELIGIBLE APPLICANTS

Public or non-profit private agencies or organizations may apply for grants under this announcement.

#### IV. AVAILABLE FUNDS

The fiscal year 1978 appropriation for the Model Projects on Aging Program is \$15 million. Of that amount, approximately \$6.5 million has been reserved for continuations and supplemental awards, and \$0.25 million for disaster relief. Approximately \$2.25 million has been awarded to States for legal development and ombudsman programs. Approximately \$6.0 million was available for fiscal year 1978 for new and competing extension awards; some \$1.0 million has been awarded. This announcement solicits new and competing extension applications for grants for the uncommitted balance of approximately \$5 million in fiscal year 1978 funds. In addition, some \$2 million may be awarded from funds which may be appropriated for fiscal year 1979.

A new grant is the initial grant made in support of a project requested on an application. A competing extension grant is to continue a project beyond the project period for which the grant was made and is awarded based on a successful competition against other applications for extensions or new grants.

It is expected that approximately 30 grants will be awarded pursuant to this announcement. The range of grant awards is expected to be from \$50,000 to \$250,000 with the average award expected to be \$100,000. Projects will be supported for periods of

one to three years. The initial grant will sustain the Federal share of the budget for the first year of the project. Support for any additional time remaining in the project period depends upon funds available, the grantee's satisfactory performance on the project for which the grant was awarded and determination by the Commissioner that the additional award is in the best interest of the government.

In fiscal year 1977 approximately 700 applications for Model Projects on Aging were accepted for review and consideration and about \$9.0 million was awarded to 67 grantees to conduct new and competing extension projects.

The amount of funds to be awarded at any time is at the discretion of the Commissioner on Aging who makes the final determination with respect to all grant applications and awards.

#### V. GRANTEE SHARE OF PROJECT

Grantees are to provide at least 10 percent of total project cost or 50 percent of indirect cost whichever is greater. The grantee share must be project-related and allowable under the Department's applicable cost principles in CFR Part 74 (see 45 FR 26274, September 19, 1973).

#### VI. THE APPLICATION PROCESS

##### A. AVAILABILITY OF FORMS

Application for a grant under the Model Projects on Aging must be submitted on standard forms provided for this purpose. Application kits which include the prescribed forms and information may be obtained by writing: Research Applications and Demonstrations—Kits, Administration on Aging, Room 4273, HEW North Building, 330 Independence Avenue SW., Washington, D.C. 20201, telephone 202-245-2143.

Kits are also available from Regional Offices; list of which is attached as an appendix to this announcement.

##### B. APPLICATION SUBMISSION:

One signed original and 2 copies of the grant application, including all attachments, must be submitted to the address indicated in the application instructions. Additionally, a copy of the application must be submitted concurrently to the State Agency on Aging.

The State Agency on Aging may request an area agency on aging for its comments and will transmit any comments of the State and area agencies to the Commissioner on Aging.

##### C. A-95 NOTIFICATION PROCESS:

The Model Projects on Aging Program is considered a covered program under the provisions of OMB Circular A-95. Applicants for grants must, prior to submission of an application, notify both the State and Area-wide A-95

Clearinghouses of the intent to apply for Federal assistance. If the application is for a Statewide project which does not affect areawide or local planning and programs, only the State clearinghouse need be notified. Applicants should contact the appropriate State clearinghouse (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A-95 requirements.

##### D. APPLICATION CONSIDERATION:

The Administration on Aging determines the final action to be taken with respect to each grant application. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive objective review and evaluation by qualified persons independent of the cognizant program office. The results of the review assist the Commissioner on Aging in considering competing applications. The Commissioner's consideration also takes into account comments of the A-95 clearinghouses, the State and area agencies, the HEW Regional Offices and Headquarters program offices. Comments may also be requested from appropriate specialists and consultants inside and outside the Federal government.

After the Commissioner has reached a decision either to disapprove or not to fund a competing grant application, unsuccessful applicants are notified in writing of that decision. Successful applicants are notified through issuance of a Notice of Grant Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which support is given, the total grantee participation expected, and the total period for which support is contemplated.

##### VII. CRITERIA FOR REVIEW AND EVALUATION OF APPLICATIONS

Competing grant applications will be reviewed and evaluated against the following criteria:

Promise of developing innovations or knowledge in areas of priority of the Model Projects on Aging Program, and of significance to national program development.

Relevance to the needs of the population addressed by this announcement with special consideration for proposals which concentrate on problems relevant to the very old and impaired, isolated or with low income and minority status.

Completeness and feasibility of proposed project design including a presentation of the state-of-the-art.

Carefully formulated measurable objectives and feasibility of methods for meeting those objectives.

Capability of proposed staff and adequacy of facilities and resources of applicant organizations.

## NOTICES

Experience of applicant organization in conducting related activities.

Feasibility of proposed budget; justification of costs, and cost sharing by the applicant or other organizations.

Likelihood of completion of project within proposed time schedule.

Potential for replication of the model; plans for implementation and dissemination of results of project, including any products for use by others.

Plans for continuance of any services to older persons which will be generated by the proposed project, if any, beyond the termination of financial support under Model Projects on Aging.

Commitment from collaborating agencies and organizations (or plans therefore) where such could be expected to contribute to the value or success of the project.

Adequacy of plans for data gathering and evaluation.

#### VIII. CLOSING DATE FOR RECEIPT OF APPLICATIONS

The closing dates for receipt of applications under this program announcement are June 1, 1978 and September 1, 1978. Applications may be mailed or hand delivered. Hand delivered applications are accepted during normal working hours of 9 a.m. to 5 p.m.

Conforming applications which are not approved for funding and are not disapproved, may be considered for

funding along with applications submitted by the latest closing date listed in this announcement.

(Catalog of Federal Domestic Assistance Program Number: 13.634. Model Projects on Aging.)

Dated: April 12, 1978.

ROBERT BENEDICT,  
*Commissioner on Aging.*

Approved: April 13, 1978.

ARABELLA MARTINEZ,  
*Assistant Secretary for Human Development Services.*

REGIONAL OFFICES, ADMINISTRATION ON AGING, OFFICE OF HUMAN DEVELOPMENT SERVICES, DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

#### REGION I

John Fitzgerald Kennedy Federal Building, Room 2007, Boston, Mass., 02203 (Rhode Island, Connecticut, Maine, Vermont, Massachusetts, New Hampshire), telephone 617-223-6885.

#### REGION II

26 Federal Plaza, Room 4106, Broadway and Worth Streets, New York, N.Y. 10007 (New Jersey, New York, Puerto Rico, U.S. Virgin Islands), telephone 212-264-4592.

#### REGION III

P.O. Box 13716, Philadelphia, Pa. 19101 (District of Columbia, Maryland, Virginia, West Virginia, Delaware, Pennsylvania), telephone 215-596-6892.

#### REGION IV

101 Marietta Towers, Suite 901, Atlanta, Ga. 30323 (Alabama, Florida, Mississippi, South Carolina, Tennessee, North Carolina, Kentucky, Georgia), telephone 404-221-5900.

#### REGION V

300 South Wacker Drive, 15th floor, Chicago, Ill. 60606 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), telephone 312-353-3141.

#### REGION VI

Fidelity Union Tower Building, Room 500, 1507 Pacific Avenue, Dallas, Tex. 75201 (Arkansas, Louisiana, Oklahoma, New Mexico, Texas), telephone 214-749-7286.

#### REGION VII

601 East 12th Street, Kansas City, Mo. 64105 (Iowa, Kansas, Missouri, Nebraska), telephone 816-374-2955.

#### REGION VIII

Federal Office Building, Room 7430, 19th and Stout Streets, Denver, Colo. 80202 (Colorado, Montana, Utah, Wyoming, North Dakota, South Dakota), telephone 303-837-2951.

#### REGION IX

50 United Nations Plaza, Room 206, San Francisco, Calif. (California, Nevada, Arizona, Guam, Hawaii, Samoa, Trust Territories), telephone 415-556-6003.

#### REGION X

Arcade Plaza Building, 1321 Second Avenue, Mail Stop 622, Seattle, Wash. 98101 (Alaska, Idaho, Oregon, Washington), telephone 206-442-5341.

[FR Doc. 78-10495 Filed 4-18-78; 8:45 am]

WEDNESDAY, APRIL 19, 1978  
PART III



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**DEPARTMENT OF  
HOUSING AND  
URBAN  
DEVELOPMENT**

**Office of the Secretary**

■

**NONDISCRIMINATION  
BASED ON  
HANDICAPPED IN  
FEDERALLY ASSISTED  
PROGRAMS AND  
ACTIVITIES**

**Implementation Procedures and  
Policies**

**Registered  
Federal  
Order**

[4210-01]

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

Office of the Secretary

[Docket No. R-78-528]

[24 CFR Part 8]

**NONDISCRIMINATION BASED ON HANDICAP  
IN FEDERALLY ASSISTED PROGRAMS AND  
ACTIVITIES OF THE DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT**

Implementation of Section 504 of the Rehabilitation Act of 1973 and Executive Order 11914

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

**SUMMARY:** This proposed rule sets forth procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance from the Department of Housing and Urban Development. The proposed rule is needed to comply with section 504 of the Rehabilitation Act of 1973 as amended, and Executive Order 11914, which relate to nondiscrimination against handicapped persons.

**DATES:** Comments are invited from the public and other Federal agencies. They must be received on or before June 19, 1978 in the Office of the Rules Docket Clerk.

**ADDRESS:** Comments should be sent to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

**FOR FURTHER INFORMATION CONTACT:**

Catherine A. Hillard, Office of Independent Living for the Disabled, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-7367. (Note: This is not a toll free number.)

**SUPPLEMENTARY INFORMATION:**

**BACKGROUND**

Section 504 of the Rehabilitation Act of 1973 provides that "no otherwise qualified handicapped individual in the United States \* \* \* shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be discriminated against under any program or activity receiving Federal financial assistance." The Department of Health, Education and Welfare (HEW) is designated by Executive Order 11914, "Nondiscrimination with Respect to the Handicapped in Federally Assisted Programs," to coordinate the implementa-

tion of Section 504 by all Federal departments and agencies empowered to extend Federal financial assistance to any program or activity.

Executive Order 11914 requires further that HEW shall establish standards and guidelines for determining what constitutes discriminatory practices, and who are handicapped persons under section 504. A main objective of the Executive Order is to assure that consistent policies, practices and procedures are adopted with respect to the enforcement of section 504. Therefore, each Federal department or agency empowered to extend Federal financial assistance is directed to issue rules, regulations and directives consistent with the standards and procedures established by the Secretary of HEW.

In addition, Federal departments and agencies are directed to develop standards and procedures to secure compliance with published regulations by voluntary efforts, or by other means authorized by law, where apparent noncompliance with section 504 is found. Federal departments and agencies must furnish reports and information to the Secretary of HEW as requested, and are mandated to cooperate with the Secretary on implementation of section 504.

On January 13, 1978 HEW published a final rule at 43 FR 2132 (45 CFR Part 85) regarding enforcement procedures, standards for determining which persons are handicapped, and guidelines for determining what practices are discriminatory. Consistent with the Executive Order, the procedures, guidelines and standards of HEW's Part 85 apply to the Department of Housing and Urban Development (hereinafter referred to as "the Department" or "HUD"), and all other Federal agencies, in their implementation of the nondiscrimination provisions of Section 504.

**GENERAL APPROACH**

In view of the leadership role of HEW in assuring consistency in Federal agency implementation of section 504, and its acknowledged expertise in this area, the Department has decided to use, in addition to the HEW regulations issued pursuant to its responsibility to coordinate the implementations of section 504 of the Rehabilitation Act of 1973 (43 FR 2132), those prescribing nondiscrimination in HEW programs and activities receiving or benefiting from Federal financial assistance (45 CFR Part 84, 42 FR 22676), as the basis for these proposed regulations, to the greatest extent feasible given the nature of HUD programs.

Consistent with Executive Order 11914 and the HEW regulations, the Department is also proposing to issue specific regulatory provisions, with re-

spect to certain of its programs, to assist persons in understanding the requirements of section 504 and Departmental policies on nondiscrimination based on handicap. Subparts E through G of the proposed rule (Low Income Public Housing and section 8 Housing Programs, other Subsidized Housing Programs, and Community Planning and Development Programs, respectively) set forth guidelines and requirements clarifying fundamental policies and concepts with regard to specific HUD programs. The Department will also provide requirements, procedures, and instruction for the implementation of section 504 in the appropriate program regulations, handbooks and issuances.

**SUMMARY OF THE PROPOSED RULE**

Subpart A of the proposed rule sets forth general policies and definitions for implementation of section 504.

**APPLICABILITY**

Section 8.2 makes the rule applicable to each recipient of Federal financial assistance from HUD, and to each program or activity that receives or benefits from such assistance. An Appendix is included listing the specific HUD programs to which this regulation is applicable.

**DEFINITIONS**

The Department proposes to utilize the definitions contained in HEW regulations, which are applicable to HUD programs, in § 8.3 with the following comments and revisions.

The Department recognizes the importance and complexities involved in developing regulations which reflect appropriately both the spirit and intent of section 504. Congress amended, in section 111(a) of the Rehabilitation Act Amendments of 1974, the definition of "handicapped individuals" for purposes of section 504 and other provisions of Titles IV and V of the Rehabilitation Act so that the definition is no longer limited to employability. For purposes of section 504 of the Act, a "handicapped individual" is defined as "any person who (A) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (B) has a record of such impairment, or (C) is regarded as having such an impairment." The term "impairment" is further defined in the HEW regulation to include a wide variety of handicaps (e.g., drug addiction, alcoholism, mental retardation, physical disability). For consistency in implementation of section 504 throughout Federal agencies, HUD is proposing to adopt the HEW definition of handicap in § 8.3(j).

Section 8.3(k) defines "qualified handicapped persons" as one who,

with reasonable accommodation, can perform the essential functions of a job, or with respect to services or benefits, one who meets the essential eligibility requirements for the receipt of such services or benefits. The Department wishes to emphasize that this regulation does not prohibit denying services or benefits of a program, such as occupancy in a housing project assisted by the Department, for bona fide reasons, even if those reasons are also related to the handicap, so long as the basis for such denial is failure to meet eligibility criteria which are applied to all potential beneficiaries, handicapped and non-handicapped. Similarly, this regulation does not prohibit turning down a handicapped job applicant for bona fide job-related reasons, even if those reasons are also related to the handicap. For example, an applicant who could not perform the basic physical requirements for the position of "housepainter" would not be considered a "qualified handicapped person." Likewise, if a handicapped individual had a history or pattern of anti-social behavior including, for example, criminal activity, he or she may be denied services or benefits of a program on the same basis as a non-handicapped person, even if the anti-social behavior is related to the handicap.

The Department proposes to adopt the HEW policy with respect to "small providers" of health, welfare or other social services, to reduce the administrative and operational burdens of complying with certain specific provisions of the Department's regulation. In this respect, the Department proposes to include § 8.3, the term "small provider," to mean (1) a recipient that employs fewer than fifteen employees in its work force or at each of its work locations; (2) a recipient that receives assistance through Annual Contributions Contracts (ACC) or Housing Assistance Payments (HAPs) Contracts for fewer than 100 units of housing; or (3) a recipient whose sole source of Federal financial assistance is as an owner of housing leased under the Existing Housing Program under section 8 of the U.S. Housing Act of 1937 (42 U.S.C. section 1437f). Recipients who are small providers will not be required to comply with certain specific requirements of the regulation such as preparation of a transition plan or completion of required alterations within a three-year period. Small providers will, however, be required to take certain other actions. (See Subpart C—Program Accessibility, § 8.22(f), and Subpart D—Enforcement, § 8.32 Self-Evaluation, Consultation and Notice.) A small provider whose sole source of Federal financial assistance is as an owner of housing leased under the section 8 Existing Housing Program is entirely exempted

from self-evaluation, consultation and notice requirements under section 8.32.

Landlords under the section 8 Existing Housing Program are exempted from these requirements in order to conform the Program with private market renting to the maximum extent possible, so that owners will continue to lease to lower-income families. The typical Section 8 landlord is the owner of a two- to six-unit building and has had little prior experience with Federal programs. The Department is concerned that imposing additional requirements on owners, such as those in § 8.32, may discourage rentals to otherwise eligible Certificate holders merely because the paperwork is too burdensome. In arriving at this decision, the Department also considered the status of Section 8 Existing Owners under Title VI of the Civil Rights Act of 1964. Eliminating such owners from virtually all obligations except that of "nondiscrimination" in the Title VI meaning of that term is consistent with the Department's policy in the area of nondiscrimination based upon race, color, or national origin.

In this regard, the Department has decided that it is inappropriate to require private owners without accessible units to refer handicapped Certificate holders to other appropriate housing, and has made such referrals the responsibility of the appropriate public housing authority (PHA) under Subpart E, § 8.46 of the regulation.

Section 8.3(n) defines the term "usability" to mean the ability to enter, exit, and function within a facility of dwelling unit. This term appears at § 8.23(b) of the regulation regarding accessibility requirements for alteration and rehabilitation that affects the "usability" of a facility. Alterations which do not affect usability (e.g., repairing a roof, replacing a boiler, weatherization) would not necessitate compliance with this paragraph. Those alterations that do affect usability are to be made accessible "to the maximum extent feasible" under individual circumstances.

There is no definition of "program or activity" in the HEW regulations. The Department also believes that these terms are not susceptible to an agency-wide definition. However, in order to provide guidance and information to persons to whom the regulation applies concerning their efforts to comply with section 504, the regulation does utilize the terms with specific applications for particular HUD program areas. Thus, attention is directed to Subparts E through G with respect to the scope of recipient compliance responsibilities.

Section 8.4 prohibits discrimination against the handicapped and lists the discriminatory activities that are pro-

hibited. It is derived from the HEW regulation, 45 CFR 84.4 (42 FR 22678, May 4, 1977) "Discrimination Prohibited".

Section 8.4(b)(5) generally proscribes site selection which has a discriminatory effect (e.g., acquisition of a hilly site which is inaccessible to certain categories of physically handicapped persons) unless a recipient or applicant for assistance can demonstrate to HUD that (a) there are no sites available in the community that are accessible or that can be made accessible to handicapped persons at a cost that will not render the facility financially infeasible; and (b) the alternative to compliance with this requirement would be nonparticipation in the program or activity receiving Federal financial assistance.

Section 8.4(c) indicates in part that "the exclusion of a specific class of handicapped persons from a program limited by Federal statute or executive order to a different class of handicapped persons is not prohibited by this Part". Certain of the Department's programs operate under statutory definitions of "handicapped person" which are more restrictive than § 8.3(j) of this regulation, and such definitions are not superseded or otherwise affected by this regulation. Examples of such definitions are section 3(2) of the U.S. Housing Act of 1937, applicable to the Low-Income and section 8 Housing programs, and section 202(d)(4), applicable to the section 202 Direct Loan program.

#### EMPLOYMENT

Subpart B, Employment, §§ 8.11 through 8.14, prohibits discrimination against the handicapped in employment, and is derived from the HEW regulation at § 85.52 (45 CFR 85.52 at 43 FR 2138, January 13, 1978).

Section 8.13, Reasonable Accommodation, indicates that "a recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program". An example of a case of undue hardship under this provision would be a landlord under the Section 8 Existing Housing program who is faced with the need to make significant alterations to his facility to accommodate a handicapped applicant or employee. In such a case, denial of the job or refusal to make the alteration would not be discrimination.

#### PROGRAM ACCESSIBILITY

Subpart C, Program Accessibility, §§ 8.21 through 8.23, incorporates the principal provisions of Parts 84 (§§ 84.21-84.23) and 85 (§§ 85.56-85.58) of the HEW regulations. This subpart

essentially deals with the requirement that the physically handicapped have physical access to and be able to use the services or benefits provided under the program receiving Federal financial assistance. Section 8.22, Existing Facilities, requires a recipient to ensure that the physically handicapped can receive program benefits, but does not require that each location at which the benefits are offered be accessible. Where structural changes to existing structures are necessary to give the physically handicapped access to the program, recipients, other than small providers, are required to develop a transition plan within one year after the effective date of this regulation. This plan, to be developed in consultation with handicapped persons or organizations representing the handicapped, is to spell out what the necessary structural changes are, and how they will be made over the three year period permitted to bring the program into conformity with the requirements of the law. While small providers are exempted from the requirement that they make their existing facilities accessible in three years, they are required, when a qualified handicapped person applies, to either accommodate that person, or in lieu of making significant alterations to their facility, assist that person, through outreach and referral, to locate an appropriate and available unit. The obligation of owners under the Section 8 Existing Housing Program is limited to a referral to the appropriate PHA. A PHA or unit of general local government, which is a recipient under the same program as the small provider, has an obligation, within a reasonable period of time, to assure that program services or benefits are made available to the qualified handicapped person who is referred to them.

Section 8.22(c) requires that where structural changes in facilities are necessary, such changes shall be made within three years of the effective date of this part, but in any case as expeditiously as possible. HEW guidelines (45 CFR Part 85) recognize that special problems may be encountered in achieving program accessibility in existing public housing projects within the three-year period. The Department wishes to stress that every effort will be made to comply with this requirement. In a case where it is not possible to have all necessary structural modifications completed within the three-year period, the Department intends, nonetheless, to have such modifications scheduled for completion at the earliest possible date.

Section 8.23, New Construction (Design and Construction), allows flexible application of the requirement for building accessibility, so long as the recipient's overall program re-

mains accessible to handicapped persons. The Architectural Barriers Act, as amended, Pub. L. 90-480, 42 U.S.C. 4151 et seq, is intended to be the primary statutory vehicle under which accessibility of buildings and facilities is required. Accordingly, the Department believes that those standards for building accessibility promulgated by HEW under the authority of section 504, which deal with nondiscrimination, may properly be construed as permitting the requirement for building accessibility to be implemented in the context of program accessibility. This position itself is consistent with the statement of HEW, in its preamble to 24 CFR. Part 85, that it "does not intend, and has no authority, to interfere in any way with the requirements of the Architectural Barriers Act" (42 FR 2136; January 13, 1978). Therefore, in situations where a building or facility may be subject to requirements under both the Architectural Barriers Act and section 504, the requirements under section 504 should be applied in a manner to be consistent with those under the Architectural Barriers Act.

Section 8.23(b), Alteration and Rehabilitation, indicates that alteration or rehabilitation affecting the "usability" of a structure must be accomplished "to the maximum extent feasible" so that the altered portion of the structure is accessible. The paragraph indicates that in determining whether the provision of accessibility is feasible, financial as well as structural feasibility may be considered by a recipient, consistent with guidelines prescribed by the Department. The Department intends to propose such guidelines for determining financial feasibility in the appropriate program rules and regulations at a later date.

Section 8.23(c), Homeownership, indicates that a facility constructed or rehabilitated for purchase by a prospective homebuyer shall be made accessible upon request, and in consultation with that homebuyer. The accessibility shall be accomplished in conformance with standards set forth in applicable rules and regulations of the program of Federal financial assistance under which the construction or rehabilitation is assisted.

Section 8.23(b), Standards for Accessibility, states that either the HUD Minimum Property Standards, the HUD Minimum Design Standards for Rehabilitation for Residential Properties, or the "ANSI" Standards shall be used for design, construction, or alteration, depending upon the nature of a structure. Departures from these standards are allowable so long as equivalent access to the facility is provided.

Subpart D, Enforcement, incorporates most of the provisions dealing with assurances required of recipients and the duration of obligations found in the HEW section 504 regulation (45

CFR Part 84) and HUD title VI regulation (24 CFR parts 1 and 2).

Section 8.31(a) requires, in general, that each application submitted and contract executed after the effective date of this regulation shall contain an assurance of compliance with the requirements of this part.

Section 8.31(d), Preexisting Contracts, indicates that where a contract for Federal financial assistance has been executed prior to the effective date of the regulation, an assurance similar to that required under paragraph (a) shall, where necessary to effectuate the purposes of this part and to the extent authorized under such contract and applicable statutes and regulations, be obtained from the recipient.

Section 8.31(e), Preliminary Commitments, indicates that in a case where an applicant for assistance, prior to the effective date of the regulation, has taken steps related to its program pursuant to a preliminary commitment from HUD or a recipient and in reliance on then existing requirements, HUD may make a determination that compliance with paragraph (a) would impose an unreasonable burden on that applicant, and may modify the assurances required under paragraph (a) accordingly.

Section 8.32 imposes upon all recipients, other than Section 8 Existing owners, certain requirements relating to evaluation by recipients of their compliance with this part. Section 8.32(a), Self-Evaluation, contains a requirement for an annual evaluation of program policies and procedures, in consultation with handicapped persons or organizations representing handicapped persons, to determine Compliance with the requirements of this part. The recipient must take remedial steps to eliminate any conditions that resulted from adherence to those policies and procedures which have the effect of discriminating against or otherwise limiting participation of handicapped persons.

Section 8.32(b) requires all affected recipients to consult with interested persons, including handicapped persons and organizations, on at least an annual basis, to assess the recipients' compliance with Section 504 and this part.

Section 8.32(c) requires all affected recipients to notify program beneficiaries, applicants, employees, and participants, on a continuing basis, that it does not discriminate on the basis of handicap in any of its programs activities.

Section 8.33, Procedures, incorporates by reference the HUD enforcement and complaint procedures at 24 CFR Parts 1 and 2 applicable to Title VI of the Civil Rights Act of 1964. This approach is identical to that taken by HEW in the implementation

of its own regulation on Section 504 at 45 CFR 84.61 (42 FR 22685) and is consistent with the requirement of 45 CFR 85.5(a)(91) (43 FR 2131).

#### LOW INCOME PUBLIC HOUSING AND SECTION 8 HOUSING PROGRAMS

Subpart E, Low Income Public Housing and Section 8 Housing programs, Prescribes specific requirements applicable to recipients of Federal financial assistance provided by HUD under the U.S. Housing Act of 1937 including any PHA, private owner, statewide housing finance or development agency that enters into an Annual Contributions Contract (ACC) or Housing Assistance Payments (HAPs) Contract with HUD under the 1937 Act. However, this subpart will not apply to owners whose sole source of Federal financial assistance is housing assistance payments under the Section 8 Existing Housing Program.

Under the provisions of § 8.43, Program Accessibility, it will not be essential that each housing unit or project be accessible to and usable by handicapped persons. What is required is that, by the end of the transition period as provided in § 8.44, housing shall be available in sufficient quantity and variety to provide eligible handicapped persons with a choice of living arrangements comparable to that of nonhandicapped persons eligible for assisted housing.

Compliance with the regulation will be determined on the basis of the entire HUD-assisted housing program of a recipient, which may consist of housing developed under one or more Sections of the U.S. Housing Act of 1937, as amended. Thus, a recipient with an existing stock of inaccessible conventional public housing units might be able to achieve program accessibility through new construction or substantial rehabilitation projects under Section 8 without making structural modifications to existing housing. Such a recipient might also achieve program accessibility using accessible units available in the community under the Section 8 Existing Housing Program.

Section 8.44 requires that a transition plan implemented pursuant to § 8.22(e) where structural changes are determined to be necessary, must provide barrier-free units in the same general ratio by bedroom size as the bedroom mix in the recipient's entire program. An exception may be granted by HUD if a survey approved by HUD indicates that a different ratio is appropriate. Moreover, in formulating the transition plan, existing housing projects for the elderly which have barrier-free units shall not be used exclusively to meet the needs of non-elderly handicapped families or individuals. Those non-elderly handicapped persons or families requiring one- or two-

bedroom units shall be offered a reasonable choice between elderly and non-elderly projects.

Section 8.45, Section 8 Existing Housing Program, requires PHAs to conduct an aggressive outreach program to locate existing barrier-free rental units, and permits the PHA, with HUD approval, to approve increases in gross rents as provided in the Existing Housing Program regulations, §§ 882.106 and 882.108.

#### OTHER SUBSIDIZED HOUSING PROGRAMS

Subpart F sets forth further guidelines and requirements consistent with subparts A through D for specified recipients.

Section 8.52, section 235 Homeownership, is made applicable to all builders or developers of newly-constructed or substantially rehabilitated dwellings who hold preliminary reservations of contract authority for 13 or more units pursuant to 24 CFR 235.38. The number 13 was selected because plans for 13 or more units of assisted housing must be consistent with the local Housing Assistance Plan.

Section 8.52(b), Program Accessibility, requires builders or developers who advertise financing under section 235 to include a statement of willingness to construct or retrofit a dwelling, upon request of a person who executes a contract for purchase of that dwelling, so as to make it accessible to and usable by the handicapped person. Section 8.52(b)(3) indicates that the cost of complying with this requirement may be added to the purchase price so long as such cost is justified. In this regard, it should be noted that dwellings financed under section 235 are usually constructed with funds under the section 203(b) program, which is based upon the value of the structure. It is conceivable that the cost involved in constructing or modifying a structure to make it accessible to handicapped persons would not result in an identical increase in the value of the structure and thus the amount of the loan. Therefore, the section 235 borrower would be required to provide the additional cash to cover the difference between cost and value attributed to compliance with the accessibility requirement.

#### COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS

Subpart G sets forth further guidelines and requirements consistent with subparts A through D for specified recipients under HUD's community planning and development programs.

Section 8.62 applies to all recipients of Federal financial assistance under Title I of the Housing and Community Development Act of 1974, as amended. Section 8.62(b)(1) requires that a community development program be administered so that each individual ac-

tivity funded in whole or in part with Title I funds, when viewed in its entirety, is accessible to handicapped persons. Depending upon the nature of the activity, this requirement may necessitate structural changes to facilities which were not themselves constructed or rehabilitated with block grant funds, but which nevertheless are an inherent part of the service or benefit provided by the activity. For example, if a recipient's program includes the provision of public services which are made available in one or more facilities, the accessibility of the facilities must be taken into consideration to determine whether the activity is accessible, regardless of the original source of funding of those facilities. Paragraph (b)(2) indicates that an exception to paragraph (b)(1) may be granted by HUD upon a showing by the recipient that, because of the nature of the activity, the provision of access would be infeasible or would substantially impair the historical or architectural integrity of the property.

Section 8.63 is applicable to rehabilitation activities funded under Title I of the 1974 Act and section 312 of the Housing Act of 1964.

Paragraph (b)(1) requires that, to the maximum extent feasible, accessibility and usability for handicapped persons be afforded to that portion of a structure that is rehabilitated. An individual who receives a dwelling unit in which he or she intends to reside is considered to be the ultimate beneficiary of the assistance and thus is not a recipient for the purposes of this regulation.

Paragraph (b)(2) states that, pursuant to § 8.23(b), providing for accessibility in a given rehabilitation project is not required if it renders the project financially infeasible.

Multifamily residential projects can meet the requirements of paragraph (b)(3) by providing that a minimum of 2 percent of the dwelling units rehabilitated are accessible, and by assuring access to and egress from the structures, and that common areas be accessible to handicapped persons.

In the case of nonresidential properties, compliance with paragraph (b)(4) requires, at a minimum, that there be adequate access and egress from the structure, and that adequate restroom facilities (if any are provided) be accessible to handicapped persons.

Paragraph (b)(5) exempts rehabilitation that does not affect the usability of a structure or unit (e.g., repair of a roof, replacement of a boiler) from the application of § 8.63(b)(1).

Section 8.64, Planning, is applicable to applicants for, and recipients of, Federal financial assistance under Title I of the Housing and Community Development Act of 1974, and section 701 of the Housing Act of 1954.

Section 8.64(b) requires that each application for assistance include a

statement showing how proposed planning activities related to applicant services, facilities and other services will be carried out to assure that compliance with this part will be accomplished to the maximum extent feasible.

Section 8.65, Urban Homesteading, indicates that an individual who receives assistance under this program with respect to a dwelling unit in which he or she intends to reside is considered to be the ultimate beneficiary, and is therefore not a recipient for purposes of this part.

#### PUBLIC PARTICIPATION

A 60-day comment period has been set up to provide all interested parties reasonable time in which to submit comments. Additionally, the Department has decided to hold public meetings to provide for direct exchange of ideas. Notice of all such meetings shall be provided to the public in order to assure maximum participation. The variety and importance of the issues involved are such that full and frank exchange is important to the development of relevant regulations.

Written comments should be sent to the address listed at the beginning of this proposed regulation. Comments received will be available for public inspection in room 5218 between 8:45 a.m. and 5:15 p.m. on all working days. Transcripts, covering all major comments received in the public meetings, will also be available for public inspection in room 5218. All relevant comments received on or before the date specified above will be considered before adoption of the final rule.

#### OTHER INFORMATION

A finding of inapplicability with regard to environmental impact has been prepared in accordance with HUD Handbook 1390.0. The economic impact of the proposed rule has also been carefully evaluated in accordance with the OMB circular A-107 and Executive Order 11821. Copies of both documents are available for inspection in room 5218, the Office of the Rules Docket Clerk, during regular business hours.

Accordingly, 24 CFR, Subtitle A, is proposed to be amended by adding a new Part 8 reading as set forth below.

I. The table of contents to 24 CFR Part 8 is added to read:

#### PART 8—NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### Subpart A—General Provisions

Sec.

- 8.1 Purpose.
- 8.2 Applicability.
- 8.3 Definitions.

Sec.

- 8.4 Discrimination prohibited.
- 8.5-8.10 [Reserved]

##### Subpart B—Employment

- 8.11 General prohibitions against employment discrimination.
- 8.12 Reasonable accommodation.
- 8.13 Employment criteria.
- 8.14 Preemployment inquiries.
- 8.15-8.20 [Reserved]

##### Subpart C—Program Accessibility

- 8.21 Discrimination prohibited.
- 8.22 Existing facilities.
- 8.23 New construction.
- 8.24-8.30 [Reserved]

##### Subpart D—Enforcement

- 8.31 Assurances required.
- 8.32 Self-evaluation, consultation, and notice.
- 8.33 Procedures.
- 8.34-8.40 [Reserved]

##### Subpart E—Low Income Public Housing and Section 8 Housing Programs

- 8.41 General.
- 8.42 Applicability.
- 8.43 Program accessibility.
- 8.44 Transition plan.
- 8.45 Section 8 existing housing program.
- 8.46-8.50 [Reserved]

##### Subpart F—Other Subsidized Housing Programs

- 8.51 General.
- 8.52 Section 235 homeownership.
- 8.53-8.60 [Reserved]

##### Subpart G—Community Planning and Development Programs

- 8.61 General.
- 8.62 Community development.
- 8.63 Rehabilitation.
- 8.64 Planning.
- 8.65 Urban homesteading.
- 8.66-8.70 [Reserved]

Appendix A—Federal financial assistance of the Department of Housing and Urban Development to which this part applies.

Appendix B—Enforcement procedures, 24 CFR 1.6-1.12 and part 2.

Appendix C—Executive Order 11914, nondiscrimination with respect to the handicapped in federally assisted programs.

AUTHORITY: Sec. 504, Rehabilitation Act of 1973 (29 U.S.C. 794); sec. 111(a), Rehabilitation Act Amendments of 1974 (29 U.S.C. 706); and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535 (d)).

Part 8, 24, CFR, Nondiscrimination Based on Handicap is proposed to be added to read as follows:

##### Subpart A—General Provisions

###### § 8.1 Purpose.

The purpose of this part is to effectuate section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance.

###### § 8.2 Applicability.

This part applies to each recipient of Federal financial assistance from the Department of Housing and Urban

Development and to each program or activity that receives or benefits from such assistance including any program or activity assisted under the statutes listed in appendix A of this part. The fact that certain financial assistance is not listed in appendix A shall not mean, if section 504 of the Act is otherwise applicable, that such financial assistance is not covered. Other financial assistance under statutes now in force or hereinafter enacted may be added to this list by notice published in the FEDERAL REGISTER.

###### § 8.3 Definitions.

As used in this part the term:

(a) "The Act" means the Rehabilitation Act of 1973, Pub. L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 29 U.S.C. 794.

(b) "Section 504" means section 504 of the Act.

(c) "Department" means the Department of Housing and Urban Development.

(d) "Secretary" means the Secretary of Housing and Urban Development.

(e) "Responsible Department official" means the Secretary or, to the extent of any delegation of authority by the Secretary to act under this part and other Department official to whom authority has been delegated or redelegated.

(f) "Recipient" means any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

(g) "Applicant for assistance" means one who submits an application, request, or plan required to be approved by a Department official or by a recipient as a condition to becoming a recipient.

(h) "Federal financial assistance" means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of:

(1) Funds;

(2) Services of Federal personnel; or

(3) Real and personal property or any interest in or use of such property, including:

(i) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

(i) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

(j) "Handicapped person": (1) "Handicapped persons" means any person who: (i) Has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

(2) As used in paragraph (j)(1) of this section, the phrase:

(i) "Physical or mental impairment" means: (A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism.

(ii) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(iii) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(iv) "Is regarded as having an impairment" means: (A) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (C) has none of the impairments defined in paragraph (j)(2)(i) of this section but is treated by a recipient as having such an impairment.

(k) "Qualified handicapped person" means:

(1) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question;

(2) With respect to other services or benefits, a handicapped person who meets the essential eligibility require-

ments for the receipt of such services or benefits.

(l) "Handicap" means any condition or characteristic that renders a person a handicapped person as defined in paragraph (j) of this section.

(m) "Small Provider" means: (1) a recipient that employs fewer than fifteen employees in its work force or at each of its work locations; (2) a recipient that receives assistance through annual contributions contracts (ACC) or housing assistance payments (HAPs) contracts for fewer than 100 units of housing; or (3) a recipient whose sole source of Federal financial assistance is as an owner of housing assisted under the existing housing program under section 8 of the U.S. Housing Act of 1937 (42 U.S.C. section 1437f).

(n) "Usability" means the ability to enter, exit, and function within a facility or dwelling unit. For example, in the case of a multifamily structure or public facility, alterations affecting usability include those related to entrances, exits, common areas (including public telephones, drinking fountains, or other similar equipment), kitchens, or bathrooms. On the other hand, alterations related to mechanical systems (such as boilers/burners, incinerators, compactors, but not elevators), electrical systems, plumbing systems (other than bathrooms and kitchens), and roofing or weatherization systems would not be considered to affect usability of the facility or unit, for purposes of compliance with this part.

#### § 8.4 Discrimination prohibited.

(a) *General.* No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.

(b) *Discriminatory actions prohibited.* (1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons unless such

action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipients program;

(vi) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

(2) For purposes of this part, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

(3) Despite the existence of separate or different programs or activities provided in accordance with this part, a recipient may not deny a qualified handicapped person the opportunity to participate in such programs or activities that are not separate or different.

(4) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration: (i) That have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to handicapped persons, or (iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State.

(5) In determining the site or location of a facility, an applicant for assistance or a recipient may not make selections: (1) That have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance, or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons. Exceptions to this requirement may be approved by the responsible Department Official if an

applicant for assistance or a recipient can demonstrate that: (i) There are no sites available in the community that are accessible or that can be made accessible to handicapped persons at a cost that will not render the facility financially infeasible; and (ii) the alternative to compliance with this requirement would be nonparticipation in the program or activity receiving Federal financial assistance.

(c) *Programs limited by Federal law.* (1) The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or executive order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or executive order to a different class of handicapped persons is not prohibited by this part.

(2) Certain of the Department's programs operate under statutory definitions of "handicapped person" which are more restrictive than § 8.3(j) of this regulation, and such definitions are not superseded or otherwise affected by this regulation.

(d) *Integrated setting.* Recipients shall administer programs and activities in the most integrated setting appropriate to the needs of qualified handicapped persons.

(e) *Special communications.* Recipients shall take appropriate steps to ensure that communications with their applicants, employees, and beneficiaries are available to persons with impaired vision and hearing.

#### § 8.5-8.10 [Reserved]

##### Subpart B—Employment

#### § 8.11 General prohibitions against employment discrimination.

(a) No qualified handicapped person shall on the basis of handicap, be subjected to discrimination in employment under any program or activity that receives or benefits from Federal financial assistance.

(b) A recipient shall make all decisions concerning employment under any program or activity to which this part applies in a manner which ensures that discrimination on the basis of handicap does not occur and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(c) The prohibition against discrimination in employment applies to the following activities:

(1) Recruitment, advertising, and the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer sponsored activities, including social or recreational programs; and

(9) Any other term, condition, or privilege of employment.

(d) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this subparagraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeship programs.

#### § 8.12 Reasonable accommodation.

A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

#### § 8.13 Employment criteria.

A recipient may not use employment tests or criteria that discriminate against handicapped persons and shall ensure that employment tests are adapted for use by persons who have handicaps that impair sensory, manual, or speaking skills.

#### § 8.14 Preemployment inquiries.

A recipient may not conduct preemployment medical examination or make a preemployment inquiry as to whether an applicant is a handicapped person or as to the nature of severity of a handicap except that nothing in this section shall prohibit a recipient from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty. *Provided*, That: (1) All entering employees are subjected to such an examination regardless of handicap, and (2) the results of such an examination are used only in accordance with the requirements of this part.

#### § 8.15-8.20 [Reserved]

##### Subpart C—Program Accessibility

#### § 8.21 Discrimination prohibited.

No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.

#### § 8.22 Existing facilities.

(a) *Program accessibility.* A recipient shall operate each program or activity to which this part applies so that the program or activity, when viewed in its entirety, is readily accessible to handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

(b) *Methods.* A recipient may comply with the requirement of paragraph (a) of this section through any methods that result in making its program or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph (a) of this section, a recipient shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

(c) *Time period.* A recipient other than a small provider shall comply with the requirement of paragraph (a) of this section within sixty days of the effective date of this part except that where structural changes in facilities are necessary, such changes shall be made within three years of the effective date of this part, but in any event as expeditiously as possible.

(d) *Transition plan.* In the event that structural changes to facilities are necessary to meet the requirement of paragraph (a) of this section, a recipient other than a small provider shall develop, within one year of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. To the maximum extent possible, such plan should be coordinated with the local HAP with respect to meeting the housing needs of disabled people. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum:

(1) Identify physical obstacles in the recipient's facilities that limit the ac-

cessibility of its program or activity to handicapped persons;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve full program accessibility and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(4) Indicate the person responsible for implementation of the plan.

(e) *Notice.* The recipient shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by handicapped persons.

(f) (1) Where a small provider finds, after consultation with a qualified handicapped person seeking to obtain its services or benefits or participate in its program, that there is no method of complying with paragraph (a) of this section other than by making a significant alteration in its existing facilities, that small provider may, as an alternative, refer the handicapped person to other providers of those services that are accessible, or to a local PHA, or unit of general local government for assistance in locating other providers which are willing and able to provide the service to the handicapped person.

(2) Where no other suitable provider of accessible services exists, a PHA or unit of general local government which is a recipient under the same program of Federal financial assistance as the small provider has an obligation to make available to a qualified handicapped person, within a reasonable period, comparable program benefits or services. This requirement applies to any such PHA or unit of general local government, whether or not that entity also qualifies as a small provider.

#### § 8.23 New construction and rehabilitation.

(a) *Design and construction.* Those facilities for which the design and construction processes were commenced after the effective date of this part shall be designed and constructed to be readily accessible to and usable by handicapped persons. Exceptions to this requirement may be approved by the responsible Department official if compliance would be unreasonably burdensome, but only if (1) the program of the recipient or applicant for assistance is otherwise accessible to handicapped persons, or, (2) the recipient or applicant for assistance has been exempted from the requirement of § 8.4(b)(5).

(b) *Alteration and rehabilitation.* Alteration and rehabilitation of an exist-

ing facility which is commenced after the effective date of this part and which affects the usability of the facility shall, to the maximum extent feasible, be accomplished in such manner that the altered or rehabilitated portion of the facility is readily accessible to and usable by handicapped persons. In determining whether the provision of accessibility is feasible for purposes of this paragraph, a recipient may take into account financial as well as structural feasibility, consistent with guidelines set forth elsewhere in this part and in other applicable rules and regulations of the Department.

(c) *Homeownership.* (1) Notwithstanding the requirements of paragraphs (a) and (b) of this section, any facility constructed or rehabilitated for purchase by a prospective homebuyer assisted under a program of Federal financial assistance of the Department shall be made accessible upon request of the prospective homebuyer. In such a case, the recipient shall consult with the prospective homebuyer regarding the nature and extent of accessibility to be achieved. Accessibility shall be accomplished in conformance with standards set forth in applicable rules and regulations of the program of Federal financial assistance under which the construction or rehabilitation is assisted. (2) The cost of making a facility accessible pursuant to this paragraph may be passed on to the prospective homebuyer to the extent authorized and justified.

(d) *Standards for Accessibility.* For purposes of compliance with paragraphs (a) and (b) of this section, the standards for the design, construction, or alteration of residential facilities shall be the HUD *Minimum Property Standards*,<sup>1</sup> or the HUD *Minimum Design Standards for Rehabilitation for Residential Properties*,<sup>1</sup> as appropriate, except that any requirements therein pertaining to the percentage of accessible units in a residential facility or project shall not be applicable. The standards for all other facilities shall be the "ANSI 117.1 1961 (R1971) *Specifications for Making Buildings and Facilities Accessible To, and Usable By, The Physically Handicapped*",<sup>2</sup> published by the American National Standards Institute, Inc., which is incorporated by reference in this Part. Departures from particular requirements of those standards by the use of other methods shall be permitted so long as equivalent access to the facility is thereby provided.

<sup>1</sup>Copies obtainable from local HUD area Office, or for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

<sup>2</sup>Copies available from American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018.

#### §§ 8.24-8.30 [Reserved]

#### Subpart D—Enforcement

#### § 8.31 Assurances required.

##### (a) *General.*

Every contract for Federal financial assistance to carry out a program or activity to which this Part applies, executed on or after the effective date of this part, and every application for such Federal financial assistance submitted on or after the effective date of this part, shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to such contract or application, contain or be accompanied by an assurance that the program or activity will be conducted and the housing, accommodations, facilities, services, financial aid, or other benefits to be provided will be operated and administered in compliance with all requirements imposed by or pursuant to this Part. The responsible Department official shall specify the form of the foregoing assurance for such program or activity, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program or activity. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(b) *Duration of obligation.* (1) In the case of Federal financial assistance extended in the form of real property or to provide real property or structures on the property, the assurance will obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for the purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) In the case of Federal financial assistance extended to provide personal property, the assurance will obligate the recipient for the period during which it retains ownership or possession of the property.

(3) In all other cases the assurance will obligate the recipient for the period during which Federal financial assistance is extended.

(c) *Covenants.* (1) In the case of real property, structures or improvements thereon, or interests therein, acquired through a program of Federal financial assistance the instrument effecting any disposition by the recipient of such real property, structures or improvements thereon, or interests therein, shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar

services or benefits. In the case where Federal financial assistance is provided in the form of a transfer of real property or interests therein from the Federal Government, the instrument effecting or recording the transfer shall contain such a covenant.

(2) Where no transfer of property is involved but property is purchased or improved with Federal financial assistance, the recipient shall agree to include the covenant described in paragraph (b)(2) of this section in the instrument effecting or recording any subsequent transfer of the property.

(3) In a program receiving Federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under any such property are included as part of the program receiving such assistance, the nondiscrimination requirements of this part shall extend to any facility located wholly or in part in such space.

(d) *Preexisting contracts.* In any case where a contract for Federal financial assistance, to carry out a program or activity to which this part applies, has been executed prior to the effective date of this part, the responsible Department official shall, where necessary to effectuate the purposes of this part and to the extent authorized under such contract and applicable statutes and regulations, require an assurance similar to that provided in paragraph (a) of this section.

(e) *Preliminary commitments.* In any case where an applicant for assistance, prior to the effective date of this part, has taken steps related to its program in reliance upon a preliminary commitment from the Department or a recipient and in conformance with then existing requirements, the responsible Department Official may modify the assurances required of the applicant if compliance with paragraph (a) of this section would impose an unreasonable burden on the applicant's program or activity.

#### § 8.32 Self-evaluation, consultation and notice.

A recipient other than an owner under the Section 8 Existing Housing Program shall comply with the requirements of this Section with respect to its assisted program or activities.

(a) *Self-evaluation.* (1) within one year of the effective date of this part, a recipient subject to this section shall:

(i) Evaluate, with the assistance of interested persons including handicapped persons or organizations representing handicapped persons, its current policies and practices and the effects thereof that do not or may not meet the requirements of this part.

(ii) Modify, after consultation with interested persons, including handi-

capped persons or organizations representing handicapped persons, any policies and practices that do not meet the requirements of this Part; and

(iii) Take after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, appropriate remedial steps to eliminate the effects of conditions which have resulted from adherence to these policies and practices and which have had the effect of discriminating against or otherwise limiting participation of qualified handicapped persons.

(2) For at least three years following completion of the evaluation required under paragraph (a)(1) of this section, a recipient other than a small provider shall maintain on file, make available for public inspection, and provide to the responsible Department Official upon request: (i) A list of the interested persons consulted, (ii) a description of areas examined and any problems identified, and (iii) a description of any modifications made and of any remedial steps taken.

(b) *Consultation.* A recipient subject to this section shall, on at least an annual basis, consult with interested persons, including handicapped persons or organizations representing handicapped persons, in order to assess its compliance with section 504 and the requirements of this part.

(c) *Notice.* A recipient subject to this section shall:

(1) Take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of section 504 and this part. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its program and activities.

(2) Make the initial notification required by this paragraph within 90 days of the effective date of this part. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publications, and distribution of memoranda or other written communications.

(3) If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) of this section. A recipient may meet the requirement of this paragraph either by including appropriate inserts in exist-

ing materials and publications or by revising and reprinting the materials and publications.

#### § 8.33 Procedures.

The procedural provisions applicable to Title VI of the Civil Rights Act of 1964 apply to this part. These procedures are found in §§ 1.6-1.12 and Part 2 of this Title.

NOTE.—Incorporation by reference provisions approved by the Director of the FEDERAL REGISTER, May 27, 1975. Incorporated documents are on file at the Office of the FEDERAL REGISTER.

#### § 8.34-8.40 [Reserved]

#### Subpart E—Low Income Public Housing and Section 8 Housing Programs

#### § 8.41 General.

This subpart sets forth further guidelines and requirements consistent with the provisions of Subparts A through D of this part, for those recipients specified below.

#### § 8.42 Applicability.

This subpart applies to any recipient, including a PHA, private owner, or statewide housing finance or development agency, receiving Federal financial assistance under the U.S. Housing Act of 1937, as amended, through an Annual Contributions Contract (ACC) or Housing Assistance Payments (HAPs) Contract. (See Appendix A, Low Income Housing.) *Except that*, nothing in this subpart shall apply to a recipient which qualifies as a small provider under § 8.3(m)(3).

#### § 8.43 Program accessibility.

(a) A recipient shall operate its entire assisted housing program, which may consist of housing developed under one or more sections of the U.S. Housing Act of 1937, so that when viewed in its entirety the program is accessible to and usable by the handicapped.

(b) Recipients required to develop a transition plan under subpart C of this part shall, within three years after the effective date of this part, have taken steps necessary to assure that (1) housing is available in sufficient quantity and variety so that the scope of an otherwise eligible handicapped person's choice of living arrangements is, as a whole, comparable to that of a nonhandicapped person eligible for housing provided by the recipient; and (2) all public areas and facilities within or related to HUD-assisted housing projects are accessible.

(c) Nothing in this section shall require a recipient to make each of its existing housing units or projects usable by handicapped persons unless that is necessary to make the program accessible.

#### § 8.44 Transition plan—special provisions.

(a) If a transition plan is implemented pursuant to the requirement of Subpart C of this part, that plan should require that barrier-free units be in the same general ratio by bedroom size as the mix of units in the recipient's entire program, unless a survey approved by HUD indicates a need for a different mix of units in the community.

(b) For purposes of compliance with paragraph (a) of this section, existing projects for the elderly with barrier-free units shall not be used entirely to meet the needs of the non-elderly handicapped. Rather, non-elderly handicapped families or individuals requiring one- or two-bedroom units shall be offered a reasonable choice between elderly and non-elderly projects.

#### § 8.45 Section 8 existing housing program.

A PHA operating a section 8 existing housing program shall comply with the requirements for program accessibility as follows:

(a) The PHA shall conduct an aggressive outreach program to find existing barrier-free rental units and include a list of those units in the certificate holders packet given to handicapped families or individuals.

(b) The PHA shall, if necessary and with the Department's approval, approve increases in gross rents up to 20 percent above fair market rents pursuant to 24 CFR 882.106, for barrier-free units or units which the owner agrees to make barrier-free.

(c) The PHA shall make available its other program resources if necessary and appropriate.

#### § 8.46-8.50 [Reserved]

##### Subpart F—Other Subsidized Housing Programs

#### § 8.51 General.

This subpart sets forth further guidelines and requirements, consistent with the provisions of subparts A through D of this part, for those recipients specified below.

#### § 8.52 Section 235 homeownership.

(a) *Applicability.* This section is applicable to all builders or developers of newly-constructed or substantially rehabilitated dwellings who hold preliminary reservations of contract authority for 13 or more units pursuant to 24 CFR 235.38.

(b) *Program accessibility.* (1) Builders or developers who advertise that financing under the section 235 program is available shall include in the advertisement a statement of willingness to construct or modify the dwellings to make them accessible to and usable by handicapped persons. (2) Builders or developers of dwellings eli-

gible for assistance under 24 CFR part 235 shall, upon request of a person who executes a contract for the purchase of a dwelling, construct or modify the dwelling so as to make it accessible to and usable by handicapped persons. If construction or rehabilitation has been completed, the dwelling must be retrofitted, if feasible, so as to make it accessible to handicapped persons. (3) The cost of complying with paragraph (b) of this section may be added to the purchase price so long as such cost is justified.

(c) *Standards for accessibility.* For purposes of compliance with paragraphs (a) and (b) of this section, accessibility shall be achieved in conformance with standards set forth in applicable rules and regulations of the section 235 program. Departures from particular requirements of those standards by the use of other methods shall be permitted so long as equivalent access to and usability of the facility is thereby provided.

#### §§ 8.53-8.60 [Reserved]

##### Subpart G—Community Planning and Development Programs

#### § 8.61 General.

This subpart sets forth further guidelines and requirements consistent with those contained in Subparts A through D of this part, for those recipients indicated below.

#### § 8.62 Community development.

(a) *Applicability.* This Section applies to all recipients of Federal financial assistance under Title I of the Housing and Community Development Act of 1974, as amended.

(b) *Program accessibility.* (1) A recipient shall administer its community development program so that each individual activity funded in whole or in part with Title I funds is, when viewed in its entirety, accessible to handicapped persons. (2) Exceptions to the requirement of paragraph (b)(1) of this section may be made where the recipient can demonstrate that, because of the nature of the activity, the provision of access would be infeasible or would substantially impair the historical or architectural integrity of the property.

#### § 8.63 Rehabilitation.

(a) *Applicability.* This section applies to recipients of Federal financial assistance under Title I of the Housing and Community Development Act of 1974, as amended and section 312 of the Housing Act of 1964, as amended.

(b) *Program accessibility.* (1) Any recipient undertaking rehabilitation activities affecting the usability of a structure must make that portion of the structure which is rehabilitated, to the maximum extent feasible, accessi-

ble to and usable by handicapped persons. For purposes of this section, an individual who borrows or receives funds to rehabilitate a dwelling unit in which he or she intends to reside is considered to be the ultimate beneficiary of the assistance, and therefore not a recipient. (2) Undertaking rehabilitation activities in an accessible manner will not be required if the increased cost of making the structure accessible renders the project financially infeasible. (3) Compliance with this paragraph in the case of multifamily residential properties means, at a minimum, that at least 2 percent of the dwelling units affected by the rehabilitation be barrier-free, and that there be adequate access to and egress from the units and the structure, and that common areas be accessible, for handicapped persons. (4) Compliance with this paragraph in the case of non-residential properties means, at a minimum, that there be adequate access to and egress from the structure, and that common areas be accessible, for handicapped persons.

(5) Rehabilitation that does not affect the usability of a structure or unit (e.g., repair of a roof, replacement of a boiler, weatherization) would not necessitate any modifications of that structure of unit pursuant to paragraph (b)(1) of this section.

#### § 8.64 Planning.

(a) *Applicability.* This section applies to applicants for and recipients of Federal financial assistance to undertake planning activities under Title I of the Housing and Community Development Act of 1974, as amended, and section 701 of the Housing Act of 1954, as amended.

(b) *Program accessibility.* Each application for assistance must include a statement indicating how proposed planning activities related to applicant services, facilities or other benefits will be carried out to assure that such services, facilities, or benefits will be accessible, to the maximum extent feasible, to handicapped persons.

#### § 8.65 Urban homesteading.

Recipients of Federal financial assistance under section 810 of the Housing and Community Development Act of 1974 to undertake an urban homesteading program must comply with all applicable provisions of this part. An individual who receives assistance under this program with respect to a dwelling unit in which he or she intends to reside is considered to be the ultimate beneficiary of assistance, and is therefore not a recipient for purposes of this part.

**APPENDIX A—FEDERAL FINANCIAL ASSISTANCE OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO WHICH THIS PART APPLIES**

**COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS**

Community development block grant program. Title I of the Housing and Community Development Act of 1974, as amended; 42 U.S.C. 5301.

Urban renewal programs. (Urban renewal projects and neighborhood development programs, code enforcement programs, demolition programs rehabilitation grants, interim assistance grants, and community renewal programs.) Title I, Housing Act of 1949, as amended, 42 U.S.C. 1450.

Comprehensive planning assistance. Section 701, Housing Act of 1954, 40 U.S.C. 461.

Rehabilitation loan program. Sec. 312, Housing Act of 1964, 42 U.S.C. 1452b.

Urban homesteading. Section 810 of the Housing and Community Development Act of 1974, 12 U.S.C. 1706e.

**LOW-INCOME PUBLIC HOUSING AND SECTION 8 HOUSING PROGRAMS**

Lower-income housing assistance payments program. (Section 8.) Section 8, U.S. Housing Act of 1937, 42 U.S.C. 1437f.

Low-income public housing. (Including operating subsidies, modernization, and Indian public housing) U.S. Housing Act of 1937, 42 U.S.C. 1437.

**OTHER SUBSIDIZED HOUSING PROGRAMS**

Homeownership for lower income families. Section 235, National Housing Act, 12 U.S.C. 1715z.

Rental and cooperative housing for lower income families. Section 236, National Housing Act, 12 U.S.C. 1715z-1.

Direct loans for housing for the elderly or handicapped. (Section 202.) Section 202, Housing Act of 1959, 12 U.S.C. 1701g.

College housing. Title IV, Housing Act of 1950, 12 U.S.C. 1749.

Disaster temporary housing. Section 404, Disaster Relief Act of 1974, 42 U.S.C. 5191.

Technical assistance and interest subsidies to State housing finance and development agencies (Section 802). Section 802, Housing and Community Development Act of 1974, 42 U.S.C. 1440.

Emergency mortgage relief loan program. Section 106 of the Emergency Homeowner's Relief Act, 12 U.S.C. 2705.

Rent supplements. Section 101, Housing and Urban Development Act of 1965, 12 U.S.C. 1701s.

Loans to non-profit sponsors of low and moderate income housing. Section 106, Housing and Urban Development Act of 1968, 12 U.S.C. 1701x.

**GNMA**

Special assistance functions. Section 305, National Housing Act, 12 U.S.C. 1720, (including purchase of below market interest rate mortgages insured by FHA under section 221(d)(3), National Housing Act, 12 U.S.C. 1715L(d)(3), and the "Tandem" program, section 305(i) National Housing Act).

**POLICY DEVELOPMENT AND RESEARCH.**

Research and technology, (excluding contracts for procurement). Title V, Housing and Urban Development Act of 1970, 42 U.S.C. 1701z-1 (including the following current programs: Modular Integrated Utility System (MIUS), Tenant Management Pro-

gram, Urban Observatory, and Urban Reinvestment Task Force).

Solar heating and cooling demonstration program. Solar Heating and Cooling Act of 1974, 42 U.S.C. 5501.

**NEW COMMUNITIES.**

Loans and grants for new community development programs, (excluding assistance in the form of guarantees). Title VII, Housing and Urban Development Act of 1970, 42 U.S.C. 4511.

**NEIGHBORHOOD VOLUNTARY ASSOCIATIONS AND CONSUMER PROTECTION**

Counseling for tenants and homeowners. Section 237, National Housing Act, 12 U.S.C. 1701x.

Community services for tenants. Section 3, U.S. Housing Act of 1937, 42 U.S.C. 1437a.

**FEDERAL DISASTER ASSISTANCE ADMINISTRATION**

Disaster assistance. Disaster Relief Act of 1970, 42 U.S.C. 7401.

Disaster preparedness, Disaster Relief Act of 1974, 42 U.S.C. 5161.

**FEDERAL INSURANCE ADMINISTRATION**

National flood insurance program. Title XIII, Housing and Urban Development Act of 1968, 42 U.S.C. 4001.

Crime insurance program. Title VI, Housing and Urban Development Act of 1970, 12 U.S.C. 1749bbb.

Riot reinsurance program. Title XII, National Housing Act, 12 U.S.C. 1749bbb.

**APPENDIX B—ENFORCEMENT PROCEDURES**

Sections 1.6-1.12 and Part 2 of Title 24 of the Code of Federal Regulations is reprinted here without change for the convenience of the reader.

**§ 1.6 Compliance information.**

(a) *Cooperation and assistance.* The responsible Department official and each Department official who by law or delegation has the principal responsibility within the Department for the administration of any law extending financial assistance subject to this Part 1 shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this Part 1 and shall provide assistance and guidance to recipients to help them comply voluntarily with this Part 1.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this Part 1. In general, recipients should have available for the department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this Part 1. Where any information required of a recipient is in the exclusive possession of any other agency, institution, or person and this agency, institution, or person shall fail

or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this Part 1 and its applicability to the program or activity under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible Department official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this Part 1.

**§ 1.7 Conduct of investigations.**

(a) *Periodic compliance reviews.* The responsible Department official or this designee shall from time to time review the practices of recipients to determine whether they are complying with this Part 1.

(b) *Complaints.* Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this Part 1 may by himself or by a representative file with the responsible Department official or his designee a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official or his designee.

(c) *Investigations.* The responsible Department official or his designee shall make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this Part 1. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this Part 1 occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this Part 1.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this Part 1, the responsible Department official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 1.8.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph the responsible Department official or his designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any person for the purpose of interfering with any right or privilege secured by title VI of the Act or this Part 1, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Part 1. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this Part 1, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

**§ 1.8 Procedure for effecting compliance.**

(a) *General.* If there appears to be a failure or threatened failure to comply with this Part 1, and if the noncompliance or

threatened noncompliance cannot be corrected by informal means, compliance with this Part 1 may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance, or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 1.5.* If an applicant fails or refuses to furnish an assurance required under § 1.5 or otherwise fails or refuses to comply with the requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Department shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph, except that the Department shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to a contract therefor approved prior to January 3, 1965.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Department official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this Part 1, (3) the action has been approved by the Secretary, and (4) the expiration of 30 days after the Secretary has filed with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible Department official has determined that compliance cannot be secured by voluntary means, (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the applicant or recipient. During this period of at least 10 days additional efforts shall be made to persuade the applicant or recipient to comply with this Part 1 and to take such corrective action as may be appropriate.

#### § 1.9 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 1.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or re-

ipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible Department official that the matter be scheduled for hearing, or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated time and place. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph (a) or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 1.8(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the responsible Department official unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the responsible Department official or, at his discretion, before a hearing examiner designated in accordance with sections 3105 and 3344 of title 5, United States Code.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554-557 and in accordance with the Practice and Procedure for Hearings issues by the Department and published in Part 2 of this subtitle relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearings at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this Part 1, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the Department and the applicant or recipient, and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this Part 1 with respect to two or more programs or activities to which this Part 1 applies, or noncompliance with this Part 1 and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Secretary may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this Part 1. Final decisions in such cases insofar as this Part 1 is concerned, shall be made in accordance with § 1.10.

#### § 1.10 Decisions and notices.

(a) *Decision by person other than the responsible Department official.* If the hearing is held by a hearing examiner, such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible Department official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient by certified or registered mail, return receipt requested. Where the initial decision is made by the hearing examiner, the applicant or recipient may, within the period provided for in the rules of Practice and Procedure for Hearings issued by the Department (Part 2 of this subtitle), file with the responsible Department official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Department official may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the responsible Department official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Department official, in which event a copy shall also be sent to the complainant.

(b) *Decisions on record or review by the responsible Department official.* Whenever a record is certified to the responsible Department official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible Department official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible Department official shall be given in writing to the applicant or recipient, and to the complainant, if any, by certified or registered mail, return receipt requested.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 1.9(a) a decision a hearing examiner or responsible Department official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any, by certified or registered mail, return receipt requested.

(d) *Rulings required.* Each decision of a hearing examiner or responsible Department official shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement

or requirements imposed by or pursuant to this Part 1 with which it is found that the applicant or recipient has failed to comply.

(e) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue, Federal financial assistance, in whole or in part, to the program or activity involved and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this Part 1, including provisions designed to assure that no Federal financial assistance will thereafter be extended for such program or activity to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this Part 1, or to have otherwise failed to comply with this Part 1, unless and until it corrects its non-compliance and satisfies the responsible Department official that it will fully comply with this Part 1.

(f) *Posttermination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (e) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this Part 1 and provides reasonable assurance that it will fully comply with this Part 1.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (e) of this section may at any time request the responsible Department official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the responsible Department official determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the responsible Department official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with the Practice and Procedure for Hearings issued by the Department (Part 2 of this subtitle). The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (e) of this section shall remain in effect.

#### § 1.11 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

#### § 1.12 Effect on other regulations; forms and instructions.

(a) *Effect on other regulations.* All regulations, orders, or like directions heretofore issued by any officer of the Department which impose requirements designed to prohibit any discrimination against persons on the ground of race, color, or national origin under any program or activity to which this Part 1 applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant or recipient for failure to comply with such requirements, are

hereby superseded to the extent that such discrimination is prohibited by this Part 1, except that nothing in this Part 1 shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to January 3, 1965. Nothing in this Part 1, however, shall be deemed to supersede any of the following (including future amendments thereof):

(1) Executive Orders 11246 and 11375 and regulations issued thereunder, or

(2) Executive Order 11063 and regulations issued thereunder, or any other order, regulations or instructions, insofar as such order, regulations, or instructions, prohibit discrimination on the ground of race, color, or national origin in any program or activity or situation to which this Part 1 is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The responsible Department official shall assure that forms and detailed instructions and procedures for effectuating this Part 1 are issued and promptly made available to interested persons.

(c) *Supervision and coordination.* The Secretary may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government with the consent of such department or agency, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this Part 1 (other than responsibility for final decision as provided in § 1.10), including the achievement of effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of title VI and this Part 1 to similar programs or activities and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action had been taken by the responsible official of this Department.

#### APPENDIX A

##### FEDERAL FINANCIAL ASSISTANCE OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO WHICH THIS PART I APPLIES

1. Advance Acquisition of Land. Sec. 704, Housing and Urban Development Act of 1965, 42 U.S.C. 3104.
2. Advice and Assistance with respect to Housing for Low and Moderate Income Families. Sec. 108, Housing and Urban Development Act of 1968, as amended by Sec. 903(a) Housing and Urban Development Act of 1970, 12 U.S.C. 1701x.
3. Alaska Housing Assistance. Sec. 1004, Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3371.
4. College Housing Program. Title IV, Housing Act of 1950, 12 U.S.C. 1749.
5. Community Disposition Program. Atomic Energy Community Act of 1955, secs. 11-13, 21, 31-36, 41-43, 51-57, 61-66, 101-103, 111-119, 42 U.S.C. 2301; E.O. 11105, 28 F.R. 3909.
6. Comprehensive Planning Assistance and Comprehensive Planning Research and Demonstration Programs. Sec. 701, Housing Act of 1954, 40 U.S.C. 461.
7. Counselling Service to Mortgagees and Prospective Mortgagees. Sec. 237(e), National Housing Act, 12 U.S.C. 1715z-2.
8. Federal-State Training and City Planning and Urban Studies Fellowship Pro-

grams. Title VIII, Housing Act of 1964, 20 U.S.C. 801-807.

9. Grants for Housing Management Training. Sec. 803, Housing Act of 1964, 83 Stat. 393 (1969), 84 Stat. 1809 (1970), 20 U.S.C. 803.

10. Home Ownership for Lower Income Families. Sec. 235, National Housing Act, 12 U.S.C. 1715z.

11. Housing for Elderly or Handicapped. Sec. 202, Housing Act of 1959, 12 U.S.C. 1701q.

12. Loan and Grant Assistance for Planning Housing Projects in Appalachia, sec. 207, Appalachian Regional Development Act of 1965, as amended, 81 Stat. 257, 40 U.S.C. App. 207.

13. Low-Income Housing Demonstration Grant Program. Sec. 207, Housing Act of 1961, 42 U.S.C. 1436.

14. Low-Rent Public Housing Program (including housing in private accommodations). United States Housing Act of 1937, 42 U.S.C. 1401.

15. Model Cities Program. Title I, Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3301.

16. National Flood Insurance Program. Title XIII, Housing and Urban Development Act of 1968, 42 U.S.C. 4001.

17. Neighborhood Facilities Grants. Sec. 703, Housing and Urban Development Act of 1965, 42 U.S.C. 3103.

18. New Communities. Title IV, Housing and Urban Development Act of 1968, 42 U.S.C. 3901.

19. Loans and Grants for New Community Development Programs. Secs. 710 to 729, Housing and Urban Development Act of 1970, 42 U.S.C. 4511.

20. New Technologies in the Development of Housing and Lower Income Families. Sec. 108, Housing and Urban Development Act of 1968, 12 U.S.C. 1701z.

21. Open-Space Land Programs. Title VII, Housing Act of 1961, 42 U.S.C. 1500. Note.

22. Public Facilities Liquidating Programs. See, generally, title II of Independent Offices Appropriation Act of 1955, Public Law 83-428, 12 U.S.C. 1701g-5.

23. Public Facility Loans Program. Title II, Housing Amendments of 1955, 42 U.S.C. 1491-1497 except 1492(a)(2) Assistance for Mass Transportation Facilities and Equipment (transferred to Secretary of Transportation by Reorganization Plan No. 2 of 1968, 33 F.R. 6965).

24. Public Works Acceleration Act Program. Public Works Acceleration Act, 42 U.S.C. 2641.

25. Public Works Planning Advances. Sec. 702, Housing Act of 1954, 40 U.S.C. 462.

26. Rehabilitation Loan Program. Sec. 312, Housing Act of 1964, 42 U.S.C. 1452b.

27. Rent Supplement Program. Sec. 101, Housing and Urban Development Act of 1965, 12 U.S.C. 1701s.

28. Rental and Cooperative Housing for Lower Income Families. Sec. 236, National Housing Act, 12 U.S.C. 1715z-1.

29. Research and Technology. Title V, Housing and Urban Development Act of 1970, 12 U.S.C. 1701z-1-1701z-4.

30. Sale of Surplus Federal Land for Housing, sec. 414, Housing and Urban Development Act of 1969, 40 U.S.C. 484b.

31. Special Assistance Functions. Sec. 305, National Housing Act, 12 U.S.C. 1720, including purchase of below market interest rate mortgages insured by FHA under sec. 221(d)(3). National Housing Act, 12 U.S.C. 1715(d)(3).

32. Technical Assistance to Contractors or Subcontractors. Sec. 911(b), Housing and

Urban Development Act of 1970, 15 U.S.C. 694(a). Note.

33. Urban Information and Technical Assistance Services. Title IX, Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3351-3356.

34. Urban Mass Transportation Programs (Research, Development and Demonstration Projects; Grants for Technical Studies; Grants for Research and Training). secs. 6(a), 9, and 11 of the "Urban Mass Transportation Act of 1964, as amended"; Reorganization Plan No. 2 of 1968, 33 FR 6965; 49 U.S.C. 1605(a), 1607(a), 1609(c).

35. Urban Renewal Demonstration Grant Program. Sec. 314, Housing Act of 1954, 42 U.S.C. 1452a.

36. Urban Renewal Program (Urban renewal Projects and Neighborhood Development Programs, Code Enforcement Programs, Demolition Programs, Rehabilitation Grants, Interim Assistance Grants, and Community Renewal Programs). Title I, Housing Act of 1949, 42 U.S.C. 1450.

37. Urban Research and Technology. Title III, Housing Act of 1948, 12 U.S.C. 1701a, 1701f; sec. 602, Housing Act of 1956, 12 U.S.C. 1701d-3; and secs. 1010 and 1011, Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3372 and 3373.

38. Water and Sewer Facilities Grants, Sec. 702, Housing and Urban Development Act of 1965, 42 U.S.C. 3102.

PART 2—PRACTICE AND PROCEDURE FOR HEARINGS UNDER PART 1 OF THIS SUBTITLE

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- 2.131 Definitions.

AUTHORITY: The provisions of this Part 2 issued under sec. 602, 78 Stat. 252, 42 U.S.C. 2000d-1; sec. 7—, 79 Stat. 670, 42 U.S.C. 3535(d); and the laws listed in Appendix A to Part 1.

SOURCE: The provisions of this Part 2 appear at 36 F.R. 24414, Dec. 22, 1971, unless otherwise noted.

SUBPART A—GENERAL INFORMATION

- § 2.1 Scope of rules.

The rules of procedure in this Part 2 supplement Part 1 of this title and govern the practice for hearings, decisions, and administrative review conducted by the Department of Housing and Urban Development, including each of its organizational units, pursuant to Title VI of the Civil Rights Act of 1964 (sec. 602, 42 U.S.C. 2000d-1) and Part 1 of this title.

- § 2.2 Records to be public.

All pleadings, correspondence, exhibits, transcripts of testimony, exceptions, briefs,

decisions, and other documents filed in the docket in any proceeding may be inspected and copied in the office of the Civil Rights docket clerk during regular business hours. Inquiries may be addressed to the Civil Rights docket clerk, Department of Housing and Urban Development, Washington, D.C. 20410.

- § 2.3 Use of gender and number.

As used in this part, words importing the singular number may extend and be applied to several persons or things, and vice versa. Words importing the masculine gender may be applied to females or organizations.

- § 2.4 Suspension of rules.

The responsible Department official with respect to pending matters may modify or waive any rule in this part upon his determination that no party will be unduly prejudiced and the ends of justice will thereby be served, and upon notice to all parties.

SUBPART B—APPEARANCE AND PRACTICE

- § 2.11 Appearance.

A party may appear in person or by counsel and participate fully in any proceeding. A State agency or any instrumentality thereof, a political subdivision of the State or instrumentality thereof, or a corporation may appear by any of its officers or employees duly authorized to appear on its behalf. Counsel must be members in good standing of the bar of any State, Territory, or possession of the United States or of the District of Columbia or the Commonwealth of Puerto Rico.

- § 2.12 Authority for representation.

Any individual acting in a representative capacity in any proceeding may be required to show his authority to act in such capacity.

- § 2.13 Exclusion from hearing for misconduct.

Disrespectful, disorderly, or contumacious language or contemptuous conduct, refusal to comply with directions, or continued use of dilatory tactics by any person at any hearing before a presiding officer shall constitute grounds for immediate exclusion of such person from the hearing by the presiding officer.

SUBPART C—PARTIES

- § 2.21 Parties; General Counsel a party.

(a) The term party shall include an applicant or recipient or other person with respect to whom a notice of hearing or opportunity for hearing has been served naming him as respondent.

(b) The General Counsel of the Department of Housing and Urban Development shall be deemed a party to all proceedings.

- § 2.22 Amici curiae.

(a) Any interested person or organization may file a petition to participate in a proceeding as an amicus curiae. Such petition shall be filed prior to the prehearing conference or, if none is held, before the commencement of the hearing, unless the petitioner shows good cause for filing the petition later. The presiding officer may grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, and that such participation will not unduly delay the outcome and may contribute materially to the proper disposition thereof. An amicus curiae is not a party and may not introduce evidence at a hearing.

(b) An amicus curiae may submit a statement of position to the presiding officer prior to the beginning of a hearing, and shall serve a copy on each party. The amicus curiae may submit a brief on each occasion a decision is to be made or a prior decision is subject to review. His brief shall be filed and served on each party within the time limits applicable to the party whose position he deems himself to support; or if he does not deem himself to support the position of any party, within the longest time limit applicable to any party at that particular stage of the proceedings.

(c) When all parties have completed their initial examination of a witness, any amicus curiae may request the presiding officer to propound specific questions to the witness. The presiding officer, in his discretion, may grant any such request if he believes the proposed additional testimony may assist materially in elucidating factual matters at issue between the parties and will not expand the issues.

#### § 2.23 Complainants not parties.

A person submitting a complaint pursuant to § 1.7(b) of this title is not a party to the proceedings governed by this part, but may petition, after proceedings are initiated, to become an amicus curiae. In any event a complainant shall be advised of the time and place of the hearing.

#### SUBPART D—FORM, EXECUTION, SERVICE AND FILING OF DOCUMENTS

##### § 2.31 Form of documents to be filed.

Documents to be filed under the rules in this part shall be dated, the original signed in ink, shall show the docket description and title of the proceeding and the title, if any, and address of the signatory. Copies need not be signed, but the name of the person signing the original shall be reproduced. Documents shall be legible and shall not be more than 8½ inches wide and 12 inches long.

##### § 2.32 Signature of documents.

The signature of a party, authorized officer, employee or attorney constitutes a certificate that he has read the document, that to the best of his knowledge, information, and belief there is good ground to support it, and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the proceeding may proceed as though the document had not been filed. Similar action may be taken if scandalous or indecent matter is inserted.

##### § 2.33 Filing and service.

All notices by the responsible Department official or the presiding officer, and all written motions, requests, petitions, memoranda, pleadings, exceptions, briefs, decisions, and correspondence to the responsible Department official or the presiding officer from a party, or vice versa, relating to a proceeding after its commencement shall be filed and served on all parties. Parties shall supply the original and two copies of documents submitted for filing. Filings shall be made with the Civil Rights docket clerk at the address stated in the notice of hearing or notice of opportunity for hearing, during regular business hours. Regular business hours are every Monday through Friday (legal holidays in the District of Columbia excepted) from 8:45 a.m. to 5:15 p.m., e.s.t. or d.s.t., whichever is effective in the Dis-

trict of Columbia at the time. Originals only of exhibits and transcripts of testimony need be filed. For requirements of service on amici curiae, see § 2.107.

##### § 2.34 Service—how made.

Service shall be made by personal delivery of one copy to each person to be served or by registered or certified mail, return receipt requested, properly addressed with postage prepaid. When a party or amicus has appeared by attorney or other representative, service upon such attorney or representative will be deemed service upon the party or amicus. Documents served by mail preferably should be mailed in sufficient time to reach the addressee by the date on which the original is due to be filed, and should be air mailed if the addressee is more than 300 miles distant.

##### § 2.35 Date of service

The date of service shall be the day when the matter is deposited in the U.S. mail or is delivered in person, except that the date of service of the initial notice of hearing or opportunity for hearing shall be the date of its delivery, or of its attempted delivery if refused.

##### § 2.36 Certificate of service.

The original of every document filed and required to be served upon parties to a proceeding shall be endorsed with a certificate of service signed by the party making service or by his attorney or representative, stating that such service has been made, the date of service, and the manner of service, whether by mail or personal delivery.

#### SUBPART E—TIME

##### § 2.41 Computation.

In computing any period of time under the rules in this part or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed in the District of Columbia, in which event it includes the next following business day. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

##### § 2.42 Extension of time or postponement.

Requests for extension of time should be served on all parties and should set forth the reasons for the application. Applications may be granted upon a showing of good cause by the applicant. From the designation of a presiding officer until the issuance of his decision, such requests should be addressed to him. Answers to such requests are permitted if made promptly.

##### § 2.43 Reduction of time to file documents.

For good cause, the responsible Department official with respect to pending matters may reduce any time limit prescribed by the rules in this part, except as provided by law or in Part 1 of this title.

#### SUBPART F—PROCEEDINGS PRIOR TO HEARING

##### § 2.51 Notice of hearing or opportunity for hearing.

Proceedings are commenced by mailing a notice of hearing or opportunity for hearing to an affected applicant or recipient, pursuant to this part.

##### § 2.52 Answer to notice.

The respondent, applicant, or recipient may file an answer to the notice within 20

days after service thereof. Answers shall admit or deny specifically and in detail each allegation of the notice, unless the respondent party is without knowledge, in which case his answer should so state, and the statement will be deemed a denial. Allegations of fact in the notice not denied or controverted by answer shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. Failure of the respondent to file an answer within the 20-day period following service of the notice may be deemed an admission of all matters of fact recited in the notice.

##### § 2.53 Amendment of notice or answer.

The General Counsel may amend the notice of hearing or opportunity for hearing once as a matter of course before an answer thereto is served, and each respondent may amend his answer once as a matter of course not later than 10 days before the date is fixed for hearing but in no event later than 20 days from the date of service of his original answer. Otherwise a notice or answer may be amended only by leave of the presiding officer. A respondent shall file his answer to an amended notice within the time remaining for filing the answer to the original notice or within 10 days after service of the amended notice, whichever period may be the longer, unless the presiding officer otherwise orders.

##### § 2.54 Request for hearing.

Within 20 days after service of a notice of opportunity for hearing which does not fix a date for hearing, the respondent, either in his answer or in a separate document, may request a hearing. Failure of the respondent to request a hearing shall be deemed a waiver of all right to a hearing and to constitute his consent to the making of a decision on the basis of such information as is available.

##### § 2.55 Consolidation.

The responsible Department official may provide for proceedings in the Department to be joined or consolidated for hearing with proceedings in other Federal departments or agencies, by agreement with such other departments or agencies. All parties to any proceeding consolidated subsequently to service of the notice of hearing or opportunity for hearing shall be promptly served with notice of such consolidation.

##### § 2.56 Motions.

Motions and petitions shall state the relief sought, the authority relied upon, and the facts alleged. If made before or after the hearing, these matters shall be in writing. If made at the hearing, they may be stated orally; but the presiding officer may require that they be reduced to writing and filed and served on all parties in the same manner as a formal motion. Motions, answers, and replies shall be addressed to the presiding officer. A repetitious motion will not be entertained.

##### § 2.57 Responses to motions and petitions.

Within 8 days after a written motion or petition is served, or such other period as the responsible Department official or the presiding officer may fix, any party may file a response thereto. An immediate oral response may be made to an oral motion.

##### § 2.58 Disposition of motions and petitions.

The responsible Department official or the presiding officer may not sustain or

grant a written motion or petition prior to expiration of the time for filing responses thereto, but may overrule or deny such motion or petition without awaiting response: *Provided, however*, That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions or petitions. Oral motions and petitions may be ruled on immediately. Motions and petitions submitted to the presiding officer or the responsible Department official, respectively, not disposed of in separate rulings or in their respective decisions will be deemed denied. Oral argument shall not be held on written motions or petitions unless the presiding officer in his discretion expressly so orders.

#### SUBPART G—RESPONSIBILITIES AND DUTIES OF PRESIDING OFFICER

##### § 2.61 Who presides.

A presiding officer shall preside over all proceedings held under this part.

##### § 2.62 Designation of hearing examiner.

The designation of a hearing examiner as presiding officer shall be in writing, and shall specify whether the examiner is to make an initial decision or to certify the entire record, including his recommended findings and proposed decision, to the responsible Department official, and may also fix the time and place of hearing. A copy of such designation shall be served on all parties. After service of the designation of a hearing examiner to preside, and until such examiner makes his decision, motions and petitions shall be submitted to him. In the case of the death, illness, disqualification, or unavailability of the designated hearing examiner, another hearing examiner may be designated to take his place.

##### § 2.63 Authority of presiding officer.

The presiding officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to these ends, including (but not limited to) the power to:

- (a) Arrange and issue notice of the date, time, and place of hearings or, upon due notice to the parties, change the date, time, and place of hearings previously set.
- (b) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.
- (c) Require parties and amici curiae to state their position with respect to the various issues in the proceeding.
- (d) Administer oaths and affirmations.
- (e) Rule on motions and other procedural items on matters pending before him.
- (f) Regulate the course of the hearing and the conduct of counsel therein.
- (g) Examine witnesses and direct witnesses to testify.
- (h) Receive, rule on, exclude, or limit evidence.
- (i) Fix the time for filing motions, petitions, briefs, or other items in matters pending before him.
- (j) Issue initial or recommended decisions, or final decisions where the responsible Department official presides.
- (k) Take any action authorized by the rules in this part or in conformance with the provisions of 5 U.S.C. 551-559 (the Administrative Procedure Act).

#### SUBPART H—HEARING PROCEDURES

##### § 2.71 Statements of positions and trial briefs.

The presiding officer may require parties and amici curiae to file written statements or position prior to the beginning of a hearing, to submit trial briefs, and to participate in conferences to settle, simplify, or fix the issues in a proceeding.

##### § 2.72 Evidentiary purpose.

(a) The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. Argument will not be received in evidence; rather it should be presented in statements, memoranda, or briefs, as determined by the presiding officer. Brief opening statements which shall be limited to statement of the party's position and what he intends to prove, may be made at hearings.

(b) Hearings for the reception of evidence will be held only in cases where issues of fact must be resolved in order to determine whether the respondent has failed to comply with one or more applicable requirements of Part 1 of this title. In any case where it appears from the respondent's answer to the notice of hearing or opportunity for hearing, from his failure timely to answer, or from his admissions or stipulations in the record, that there are no matters of material fact in dispute, the presiding officer may enter an order so finding, vacating the hearing date if one has been set, and fixing the time for filing briefs under § 2.101. Thereafter the proceedings shall go to conclusion in accordance with Subpart J of this part. The presiding officer may allow an appeal from such order in accordance with § 2.86.

##### § 2.73 Testimony.

Testimony shall be given orally under oath or affirmation by witnesses at the hearing; but the presiding officer, in his discretion, may require or permit that the direct testimony of any witness be prepared in writing and served on all parties in advance of the hearing. Such testimony may be adopted by the witness at the hearing and filed as part of the record thereof. Unless authorized by the presiding officer, witnesses will not be permitted to read prepared testimony into the record. Except as provided in §§ 2.75 and 2.76, witnesses shall be available at the hearing for cross-examination.

##### § 2.74 Exhibits.

Proposed exhibits shall be exchanged at the prehearing conference, or otherwise prior to the hearing if the presiding officer so requires. Proposed exhibits not so exchanged may be denied admission as evidence. The authenticity of all proposed exhibits exchanged prior to hearing will be deemed admitted unless written objection thereto is filed prior to the hearing or unless good cause is shown at the hearing for failure to file such written objection.

##### § 2.75 Affidavits.

An affidavit is not inadmissible as such. Unless the presiding officer fixes other time periods, affidavits shall be filed and served on the parties not later than 15 days prior to the hearing; and, not less than 7 days prior to hearing, a party may file and serve written objection to any affidavit on the ground that he believes it necessary to test the truth of assertions therein at hearing. In such event the assertions objected to will

not be received in evidence unless the affiant is made available for cross-examination, or the presiding officer determines that cross-examination is not necessary for the full and true disclosure of facts referred to in such assertions. Notwithstanding any objection, however, affidavits may be considered in the case of any respondent who waives a hearing.

##### § 2.76 Depositions.

Upon such terms as the presiding officer determines to be just, and for the convenience of the parties or of the Department, the presiding officer may authorize or direct the testimony of any witness to be taken by deposition.

##### § 2.77 Admissions as to facts and documents.

Not later than 15 days prior to the scheduled date of the hearing except for good cause shown, or prior to such earlier date as the presiding officer may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in and exhibited with the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters of which an admission is requested shall be deemed admitted unless within a period designated in the request (not less than 10 days after service thereof, or within such further time as the presiding officer may allow upon motion and notice) the party to whom the request is directed serves upon the requesting party a sworn statement either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully either admit or deny such matters. Copies of requests for admission and answers thereto shall be served on all parties. Any admission made by a party to such request is only for the purposes of the pending proceeding, or any proceeding or action instituted for the enforcement of any order entered therein, and shall not constitute an admission by him for any other purpose or be used against him in any other proceeding or action.

##### § 2.78 Evidence.

Irrelevant, immaterial, unreliable, and unduly repetitious evidence will be excluded.

##### § 2.79 Cross-examination.

A witness may be cross-examined on any matter material to the proceeding.

##### § 2.80 Un-sponsored written material.

Letters expressing views or urging action and other un-sponsored written material regarding matters in issue in a hearing will be placed in the correspondence section of the docket of the proceeding. These data are not deemed part of the evidence or record in the hearing.

##### § 2.81 Objections.

Objections to evidence shall be timely and briefly state the ground relied upon.

##### § 2.82 Exceptions to rulings of presiding officer unnecessary.

Exceptions to rulings of the presiding officer are unnecessary. It is sufficient that a party, at the time the ruling of the presiding officer is sought, makes known the action which he desires the presiding officer to take, or his objection to an action taken, and his grounds therefor.

### § 2.83 Official notice.

Where official notice is taken or is to be taken of a material fact not appearing in the evidence of record, any party on timely request, shall be afforded an opportunity to show the contrary.

### § 2.84 Public document items.

Whenever there is offered (in whole or in part) a public document, such as an official report, decision, opinion, or published scientific or economic statistical data issued by any of the executive departments (or their subdivisions), legislative agencies or committees, or administrative agencies of the Federal Government (including Government-owned corporations), or a similar document issued by a State or its agencies, and such document (or part thereof) has been shown by the offeror to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered for official notice, as a public document item by specifying the document or relevant part thereof.

### § 2.85 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

### § 2.86 Appeals from ruling of presiding officer.

Rulings of the presiding officer may not be appealed to the responsible Department official prior to his consideration of the entire proceeding except with the consent of the presiding officer and where he certifies on the record or in writing that the allowance of an interlocutory appeal is clearly necessary to prevent exceptional delay, expense, or prejudice to any party, or substantial detriment to the public interest. If an appeal is allowed, any party may file a brief with the responsible Department official within such period as the presiding officer directs. No oral argument will be heard unless the responsible Department official directs otherwise. At any time prior to submission of the proceeding to him for decision, the responsible Department official may direct the presiding officer to certify any question or the entire record to him for decision. Where the entire record is so certified, the presiding officer shall recommend a decision.

## SUBPART I—THE RECORD

### § 2.91 Official transcript.

The Department will designate the official reporter for all hearings. The official transcripts of testimony taken, together with any exhibits, briefs, or memoranda of law filed therewith shall be filed with the Department. Transcripts of testimony in hearings may be obtained from the official reporter by the parties and the public at rates not to exceed the maximum rates fixed by the contract between the Department and the reporter. Upon notice to all parties, the presiding officer may authorize corrections to the transcript which involve matters of substance.

### § 2.92 Record for decision.

The transcript of testimony, exhibits, and all papers and requests filed in the proceedings, except the correspondence section of the docket, including rulings and any recommended or initial decision shall constitute the exclusive record for decision.

## SUBPART J—POSTHEARING PROCEDURES, DECISIONS

### § 2.101 Posthearing briefs: proposed findings and conclusions.

(a) The presiding officer shall fix the time for filing posthearing briefs, which may contain proposed findings of fact and conclusions of law and, if permitted reply briefs.

(b) Briefs should include a summary of the evidence relied upon, together with references to exhibit numbers and pages of the transcript, with citations of the authorities relied upon.

### § 2.102 Decisions following hearing.

When the time for submission of post-hearing briefs has expired, the presiding officer, if the responsible Department official, shall make a final decision. If the presiding officer is a hearing examiner, he shall certify the entire record, including his recommended findings and proposed decision, to the responsible Department official or, if so authorized, shall make an initial decision. A copy of the recommended findings and proposed decision, or of the initial decision, shall be served upon all parties, and amici, if any.

### § 2.103 Exceptions to initial or recommended decisions.

Within 30 days after the mailing of an initial or recommended decision, any party may file exceptions to the decision, stating reasons therefor, with the responsible Department official. Any other party may file a response thereto within 45 days after the mailing of the decision. Upon the filing of such exceptions, the responsible Department official shall review the decision and issue his decision thereon.

### § 2.104 Final decisions.

(a) The responsible Department official shall make the final decision in all proceedings under this part after expiration of all applicable time limits provided in § 2.101 or § 2.103.

(b) Where the hearing is conducted by a hearing examiner who makes an initial decision, if no exceptions thereto are filed within the 30-day period specified in § 2.103, such initial decision shall become the final decision of the responsible Department official upon his approval thereof and shall constitute "final agency action" within the meaning of 5 U.S.C. 704 (formerly section 10(c) of the Administrative Procedure Act), subject to the provisions of paragraph (c) of this section.

(c) Where the final decision of the responsible Department official does not provide for the suspension or termination of, or the refusal to grant or continue, Federal financial assistance or the imposition of any other sanction, it is an "order" within the meaning of 5 U.S.C. 551(6) (formerly section 2(d) of the Administrative Procedure Act) and shall constitute "final agency action" within the meaning of 5 U.S.C. 704 (formerly section 10(c) of the Administrative Procedure Act). When such final decision of the responsible Department official (other than

the Secretary) does provide for suspension or termination of, or the refusal to grant or continue, Federal financial assistance or the imposition of any other sanction, such decision shall not constitute an "order" or "final agency action" until approved by the Secretary.

(d) All final decisions shall be promptly served on all parties, and amici, if any.

### § 2.105 Oral argument to the responsible Department official.

(a) If any party desires to argue a case orally on exceptions or replies to exceptions to an initial or recommended decision, or upon review on initiative of the responsible Department official, he shall make such request in writing. The responsible Department official may grant or deny such requests in his discretion. If granted, he will serve notice of oral arguments on all parties. The notice will set forth the order of presentation, the amount of time allotted, and the time and place for argument. The names of persons who will argue should be filed with the Civil Rights docket clerk not later than 7 days before the date set for oral argument.

(b) The purpose of oral argument is to emphasize and clarify the written argument in the briefs. Reading at length from the brief or other texts is not favored. Participants should confine their arguments to points of controlling importance and to points upon which exceptions have been filed. Consolidation of appearances at oral argument by parties taking the same side will permit the parties' interests to be presented more effectively in the time allotted.

(c) Pamphlets, charts, and other written material may be presented at oral argument only if such material is limited to facts already in the record and is served on all parties and filed with the Civil Rights docket clerk at least 7 days before the argument.

### § 2.106 Service on amici curiae.

All briefs, exceptions, memoranda, requests, and decisions referred to in this Subpart J shall be served upon amici curiae at the same times and in the same manner required for service on parties. Any written statements of position and trial briefs required of parties under § 2.71 shall be served on amici.

## SUBPART K—JUDICIAL STANDARDS OF PRACTICE

### § 2.111 Conducts.

Parties and their representatives are expected to conduct themselves with honor and dignity and observe judicial standards of practice and ethics in all proceedings. They should not indulge in offensive personalities, unseemly wrangling, or intemperate accusations or characterizations. A representative of any party whether or not a lawyer shall observe the traditional responsibilities of lawyers as officers of the court and use his best efforts to restrain his client from improprieties in connection with a proceeding.

### § 2.112 Improper conduct.

With respect to any proceeding it is improper for any interested person to attempt to sway the judgment of the responsible Department official by undertaking to bring pressure or influence to bear upon any officer having a responsibility for a decision in the proceeding, or his staff. It is improper that such interested persons or any members of the Department's staff or the presiding officer give statements to communica-

tions media, by paid advertisement or otherwise, designed to influence the judgment of any officer having responsibility for a decision in the proceeding, or his staff. It is improper for any person to solicit communications to any such officer, or his staff, other than proper communications by parties or amici curiae.

#### § 2.113 Ex parte communications

Only persons employed by or assigned to work with the responsible Department official who perform no investigative or prosecuting function in connection with a proceeding shall communicate ex parte with the responsible Department official, or the presiding officer, or any employee or person involved in the decisional process in such proceedings with respect to the merits of that or a factually related proceeding. The responsible Department official, the presiding officer, or any employee or person involved in the decisional process of a proceeding shall communicate ex parte with respect to the merits of that or a factually related proceeding only with persons who are employed by or assigned to work with them and who perform no investigative or prosecuting function in connection with the proceeding.

#### § 2.114 Expeditious treatment.

Requests for expeditious treatment of matters pending before the responsible Department official or the presiding officer are deemed communications on the merits, and are improper except when forwarded from parites to a proceeding and served upon all other parties thereto. Such communications should be in the form of a motion.

#### § 2.115 Matters not prohibited.

A request for information which merely inquires about the status of a proceeding without discussing issues or expressing points of view is not deemed an ex parte communication. Such requests should be directed to the Civil Rights docket clerk. Communications with respect to minor procedural matters or inquiries or emergency requests for extensions of time are not deemed ex parte communications prohibited by § 2.113. Where feasible, however, such communications should be by letter with copies to all parites. Ex parte communications between a respondent and the responsible Department official or the Secretary with respect to securing such respondent's voluntary compliance with any requirement of Part 1 of this title are not prohibited.

#### § 2.116 Filing of ex parte communications.

A prohibited communication in writing received by the Secretary, the responsible Department official, or by the presiding officer, shall be made public by placing it in the correspondence file of the docket in the case and will not be considered as part of the record for decision. If the prohibited communication is received orally, a memorandum setting forth its substance shall be made and filed in the correspondence section of the docket in the case. A person referred to in such memorandum may file a comment for inclusion in the docket if he considers the memorandum to be incorrect.

### SUBPART L—POSTTERMINATION PROCEEDINGS

#### § 2.121 Posttermination proceedings.

(a) An applicant or recipient adversely affected by the order terminating, discontinuing, or refusing Federal financial assistance in consequence of proceedings pursuant to this title may request the responsible Department official for an order authorizing payment, or permitting resumption, of Federal financial assistance. Such request shall be in writing and shall affirmatively show that, since entry of the order, it has brought its program or activity into compliance with the requirements of the Act and with Part 1 of this title, and shall set forth specifically, and in detail, the steps which it has taken to achieve such compliance. If the responsible Department official denies such request, the applicant or recipient shall be given an expeditious hearing if it so requests in writing and specifies why it believes the responsible Department official to have been in error. The request for such a hearing shall be addressed to the responsible Department official and shall be made within 30 days after the applicant or recipient is informed that the responsible Department official has refused to authorize payment or permit resumption of Federal financial assistance.

(b) In the event that a hearing shall be requested pursuant to paragraph (a) of this section, the hearing procedures established by this part shall be applicable to the proceedings, except as otherwise provided in this section.

### SUBPART M—DEFINITIONS

#### § 2.131 Definitions.

(a) The definitions contained in § 1.2 of this title, to the extent applicable, apply to this part.

(b) The term "hearing examiner" is used in the sense in which used in 5 U.S.C. 3105 and 3344 (formerly sec. 11 of the Administrative Procedure Act).

(c) "Presiding officer," in any particular matter, may be the assigned hearing examiner or the responsible Department official.

### APPENDIX C—NONDISCRIMINATION WITH RESPECT TO THE HANDICAPPED IN FEDERALLY ASSISTED PROGRAMS

#### EXECUTIVE ORDER 11914. APRIL 28, 1976

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including section 301 of title 3 of the United States Code, and as President of the United States, and in order to provide for consistent implementation within the Federal Government of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it is hereby ordered as follows:

SECTION 1. The Secretary of Health, Education, and Welfare shall coordinate the implementation of section 504 of the Rehabilitation Act of 1973, as amended, hereinafter referred to as section 504, by all Federal departments and agencies empowered to extend Federal financial assistance to any program or activity. The secretary shall establish standards for determining who are handicapped individuals and guidelines for determining what are discriminatory prac-

tices, within the meaning of section 504. The Secretary shall assist Federal departments and agencies to coordinate their programs and activities and shall consult with such departments and agencies, as necessary, so that consistent policies, practices, and procedures are adopted with respect to the enforcement of section 504.

Sec. 2. In order to implement the provisions of section 504, each Federal department and agency empowered to provide Federal financial assistance shall issue rules, regulations, and directives, consistent with the standards and procedures established by the Secretary of Health, Education, and Welfare.

Sec. 3. (a) Whenever the appropriate department or agency determines, upon all the information available to it, that any recipient of, or applicant for, Federal financial assistance is in noncompliance with the requirements adopted pursuant to this order, steps to secure voluntary compliance shall be carried out in accordance with standards and procedures established pursuant to this order.

(b) If voluntary compliance cannot be secured by informal means, compliance with section 504 may be effected by the suspension or termination of, or refusal to award or continue, Federal financial assistance or by other appropriate means authorized by law, in accordance with standards and procedures established pursuant to this order.

(c) No such suspension or termination of, or refusal to award or continue, Federal financial assistance shall become effective unless there has been an express finding, after opportunity for a hearing, of a failure by the recipient of, or applicant for, Federal financial assistance to comply with the requirements adopted pursuant to this order; however, such suspension or termination of, or refusal to award or continue, Federal financial assistance shall be limited in its effect to the particular program or activity or part thereof with respect to which there has been such a finding of noncompliance.

Sec. 4. Each Federal department and agency shall furnish the Secretary of Health, Education, and Welfare such reports and information as the Secretary requests and shall cooperate with the Secretary in the implementation of section 504.

Sec. 5. The Secretary of Health, Education, and Welfare may adopt rules and regulations and issue orders which he deems necessary to carry out his responsibilities under this order. The Secretary shall ensure that such rules, regulations, and orders are not inconsistent with, or duplicative of, other Federal Government policies relating to the handicapped, including those policies adopted in accordance with sections 501, 502, and 503 of the Rehabilitation Act of 1973, as amended, or the Architectural Barriers Act of 1968 (42 U.S.C. 4151 *et seq.*).

GERALD R. FORD

The White House,  
April 28, 1976.

Issued at Washington, D.C., April 14, 1978.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-10564 Filed 4-18-78; 8:45 am]

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Registration  
Form

WEDNESDAY, APRIL 19, 1978  
PART IV



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SECURITIES AND  
EXCHANGE  
COMMISSION



Short Form for the  
Registration of Securities

[8010-01]

**Title 17—Commodity and Securities  
Exchanges**

**CHAPTER II—SECURITIES AND  
EXCHANGE COMMISSION**

[Release Nos. 33-5923, IC-10199]

**PART 239—FORMS PRESCRIBED  
UNDER THE SECURITIES ACT OF 1933**

**Short Form for the Registration of  
Securities**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rules.

**SUMMARY:** The Commission announced today the adoption of amendments which expand the availability of the short form for the registration of securities. In addition to those transactions for which the form previously could be used the amendments permit the registration on the short form of securities offered: (1) To the public for cash by certain companies or their subsidiaries when information about the issuer is widely disseminated and therefore need not be provided in a registration statement; and (2) to existing security holders by certain companies through either rights offerings or dividend or interest reinvestment plans. In addition, the short form has been revised in limited respects concerning its availability for the registration of securities offered upon exercise of warrants or conversion of convertible securities, to clarify its use by standby underwriters and affiliates, and to require certain additional disclosures and undertakings. These amendments to the short form will further integrate the disclosure requirements of the federal securities laws.

**EFFECTIVE DATE:** May 30, 1978; however, persons desiring to use the revised form prior to that date may do so, provided they comply with all applicable provisions of the new form.

**FOR FURTHER INFORMATION  
CONTACT:**

Rowland Cook, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-1750.

**SUPPLEMENTARY INFORMATION:** On November 2, 1977, the Commission authorized for publication proposed amendments to Form S-16 (17 CFR 239.27), a form for the registration of certain securities under the Securities Act of 1933 ("Securities Act") (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)). Securities Act Release No. 5879 (42 FR 58677) in-

vited comments on amendments which, for the first time, would permit the use of the form for the registration of certain primary offerings of securities. These proposed amendments reflected suggestions as to the appropriate parameters for any additional use of the form which were made by various commentators in response to an earlier Commission release.<sup>1</sup>

Form S-16 is a registration form which is comparatively simpler and shorter than other available forms for the registration of securities under the Securities Act. The form has been and will continue to be available for the registration of securities to be offered in the following types of offerings when the issuer satisfies the conditions for the use of Form S-7<sup>2</sup> (17 CFR 239.26): (1) The outstanding securities to be offered for the account of persons other than the issuer provided securities of the same class are listed and registered on a national securities exchange or are quoted on the automated quotation system of a national securities association; (2) securities to be offered upon conversion of outstanding convertible securities of the issuer or an affiliate of the issuer provided no payment is made for soliciting the conversion; and (3) securities to be offered upon the exercise of outstanding transferable warrants issued by the issuer provided no payment is made for soliciting the exercise of the warrants.

The amendments adopted today permit the use of the short form by issuers which satisfy the requirements for the use of Form S-7 for the registration of securities offered in the following types of primary offerings to the public or to existing security holders: (1) Offerings to the public of debt or equity securities by issuers with a specified market capitalization or by issuers which are majority owned subsidiaries of parents with this market capitalization and which offer debt securities which are guaranteed by the parent as to principal and interest,

<sup>1</sup>Securities Act Release No. 5792 (Dec. 20, 1976) (41 FR 56331).

<sup>2</sup>Generally, an issuer may use Form S-7 if it: (a) has a class of securities registered under sec. 12 (15 U.S.C. 781) or is required to file reports pursuant to sec. 15(d) (15 U.S.C. 78m) of the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)); (b) has been subject to the requirements of sec. 12 or 15(d), and has filed all applicable reports, for 36 calendar months prior to the filing of the registration statement and has timely filed all required reports for the past 12 calendar months; (c) has not defaulted in payments on preferred stock, indebtedness for borrowed money or long-term leases during the past 36 months; and (d) has had consolidated net income of at least \$250,000 for 3 of the last 4 fiscal years, including the most recent fiscal year.

provided the offering is made pursuant to a firm commitment underwriting and any debt securities are issued pursuant to a trust indenture qualified under the Trust Indenture Act (15 U.S.C. 77aaa et seq.); (2) offerings to existing security holders pursuant to rights offerings or dividends or interest reinvestment plans; and (3) offerings to holders of outstanding convertible securities or outstanding transferable warrants when commissions or other payments are made for the solicitation of the conversion or the exercise by issuers which meet the specified market capitalization condition for primary offerings to the public, or by issuers whose parents meet this condition, if the parent has guaranteed the securities as to principal and interest. In addition, Form S-16 has been amended to make it available under specified circumstances for the registration for resale of securities acquired by stand-by underwriters in connection with the call or redemption of a class of convertible securities, and for resales by affiliates of the issuer of securities acquired under an employee plan registered on Form S-8.

Issuers permitted to use Form S-16 are required to file periodic reports under the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) containing information about their business management and financial operations. These reports are available to offerees, and accordingly amendments to the form only require minimal additional disclosure when the form is used to register securities for the additional types of offerings. Basically, information about the use of proceeds from the offering and the terms of the securities, if they are of a class which has not been registered under section 12 of the Exchange Act (15 U.S.C. 781) must be included in the short form prospectus, as amended. The amended form also requires a description in the prospectus about material recent events which were not disclosed previously in periodic reports filed pursuant to the Exchange Act. Certain additional information must be set forth in part II of the registration statement.

In addition, certain other amendments are adopted, including requirements to make certain undertakings; to deliver material incorporated by reference into the prospectus; and to file underwriting agreements as exhibits.

The adoption of these amendments represents a significant step forward in the integration and coordination of the disclosure requirements of the Securities Act and the Exchange Act. The amendments are being considered on an experimental basis, however, to assure no adverse effect on investor protection.

This release discusses the amendments, the comments which were received with regard to the proposed amendments and the Commission's responses to those comments. The text of the amendments should be consulted for a complete understanding of the new provisions.

#### I. AMENDMENTS RELATING TO THE USES OF FORM S-16

##### A. PRIMARY OFFERINGS TO THE PUBLIC—GENERAL INSTRUCTION A(1) TO FORM S-16

The proposed amendments relating to the use of Form S-16 for primary offerings to the public were criticized primarily because of the proposed eligibility criteria. The commentators' criticism of these criteria ranged from the comment that they lacked sufficient quality standards, to objections that they were too stringent, insofar as they were premised on the interest of professionals in the securities industry in certain issuers.

Some commentators expressed concern that incorporation of documents filed under the Exchange Act would result in a decrease in the quality of available disclosure to investors because the disclosure in such documents is generally less extensive than that in registration statements filed under the Securities Act. In their view, the relationship between an issuer and its underwriter when engaged in the preparation of a Securities Act registration statement, a relationship generally absent in the preparation of Exchange Act documents, results in the accumulation, analysis and disclosure of more relevant data than that included in the periodic reports. Although incorporation by reference of the Exchange Act reports in the registration statement on Form S-16 subjects the underwriters and others to liability for such reports, the commentators expressed doubt that issuers would accept an increase in the participation of underwriters in the preparation or amendment of those documents. Further, they suggested that issuers likely would resist the expenditures associated with data collection and analysis and might pressure underwriters to minimize their due diligence review.

The Commission regards further integration of the Securities Act and the Exchange Act as extremely important.<sup>3</sup> A continuous, coordinated, and

<sup>3</sup>The integration of the two acts is not a new concept. The adoption of Form S-7 in November 1967 was the first step in recognizing that information reported under the Exchange Act could supplant some of the previously required registration statement disclosure. The Form S-7 has been amended to expand the class of issuers entitled to use the Form and the types of transactions for which it is available since that time and in

integrated disclosure system for companies subject to the securities acts should reduce registration costs and thus the costs of raising capital, facilitate timely access to the capital markets, make more meaningful the periodic reporting requirements of the Exchange Act and eliminate needless duplication of disclosure which results in increased costs to investors. Recently, the Commission announced its commitment to further integrate the acts in Securities Act Release No. 5906 (February 15, 1978). The Securities Act liability for Exchange Act filings which results from the incorporation by reference of the Exchange Act documents into a registration statement on Form S-16 should result in an improvement in the quality of disclosure in the Exchange Act filings.

Some commentators urged that all companies eligible to use Form S-7 be permitted to use Form S-16 for primary offerings. The Commission believes that the additional standards it has imposed for primary offerings do follow the theory suggested of the Advisory Committee on Corporate Disclosure (the "Advisory Committee")<sup>4</sup> that Form S-16 be available for the primary offerings of securities by a "small top tier of companies \*\*\* which usually provide high quality corporate communication documents, including 1934 Act reports, and whose corporate information is widely disseminated" because "members of this class of registrants are widely followed by debt and equity analysts."<sup>5</sup> In the Commission's view, the newly-adopted standards, coupled with the requirements of the Rule as to the Use of Form S-7, adhere to the Advisory Committee's standards more closely than relying solely on the Form S-7 conditions.

Many of the commentators criticized the proposed eligibility criteria because they believed the criteria to be too stringent. However, the Commission was not convinced that any of the alternate criteria suggested by the commentators would reflect the stan-

recognition of the recommendations in the Wheat Report. ("Report and Recommendations to the Securities and Exchange Commission from the Disclosure Policy Study, Disclosure to Investors, A Reappraisal of Administrative Policies under the 1933 and 1934 Acts" (March 1969) [hereinafter cited as Wheat Report].) (See Securities Act Release No. 5791 (December 20, 1976) 41 FR 56301). The Form S-16 was also adopted for limited use in furtherance of this goal. The Report of the Advisory Committee on Corporate Disclosure to the Securities and Exchange Commission (November 3, 1977) [hereinafter cited as Report] contains detailed recommendations for classifying issuers into three levels and for further integrating the two acts based upon such classification; see Report at 420-469.

<sup>4</sup>Report at 454.

<sup>5</sup>Report at 433-434.

dards set forth in the prior paragraph any better that the conditions proposed for comment. Accordingly, General Instruction A(1) provides that an issuer may register securities offered to the public in a primary offering on Form S-16 if the aggregate market capitalization of its voting stock held by nonaffiliates is \$50 million or, if the issuer is a majority owned subsidiary, its parent meets this condition and has fully guaranteed the securities. The aggregate market value of the stock is to be computed by reference to the price at which the stock was sold, or the average of the bid and asked prices of such stock, as of a specified date within 60 days prior to the date of filing.

The \$50 million market capitalization standard is adopted because the Commission believes, as discussed above, that this requirement will provide some assurance that, in addition to wide dissemination of information about such companies in the market place, securities analysts will follow companies of this size.<sup>6</sup>

The lack of interest of securities professionals in a company does not mean necessarily that information about that company is not readily available or that the public information is of in-

<sup>6</sup>See, Report at A-51. As discussed in Release No. 33-5879, the origin of the \$50 million standard was a report by the Financial Analysts Federation ("FAF") to the Advisory Committee concluding, among other things, that New York City-based brokerage firms, and especially institutions, generally follow companies having at least \$50 million in market capitalization. The FAF surveyed the analysts in order to respond to the following question posed to it by the Advisory Committee:

In the universe of publicly held companies, is there an identifiable segment comprised of companies which are not the focus of significant fundamental security analysis by financial analysts. If so, can you identify their characteristics and discuss the implications of this proposition on the quality of disclosure available with respect to these companies.

Although a high percentage of the respondents were New York City-based brokerage firms and institutions, the Commission believes that the results of the survey justify the \$50 million amount. Seventy-eight percent of the questionnaire respondents indicated that they followed corporations with market capitalizations (shares outstanding times market price) of as low as \$50 million. The analysts were also asked to list the other factors which have a bearing on a decision not to follow a company and to designate the single most important deterrent to following companies. Management credibility and "stock float" were ranked about equally as criteria for rejecting research coverage. Forty-one percent of the analysts responding to the ranking question stated that the prime deterrent to following companies was thin markets, stock float and market capitalization, which were treated as synonyms by the FAF because of a lack of wording uniformity.

ferior quality. Nevertheless, professional interest should help assure market reaction to material information about a company and thereby alleviate the need to provide the information directly to offerees when securities are registered on Form S-16 for a primary offering.

Further, none of the commentators presented any empirical data which justified a lower market capitalization requirement. Although a few suggested that the amount be reduced to \$10 or \$20 million, they did not offer reasons why the lower number would more fully achieve the Commission's goal of integrating the disclosure requirements of the Federal securities laws while assuring that investor protection was not jeopardized. Therefore, the \$50 million condition has been adopted; if the experimental expansion of the availability of Form S-16 does not raise serious problems, the Commission will consider a further amendment to permit the use of the form by a broader class of issuers.

The commentators also criticized the market capitalization test because it requires computation by reference to the voting stock held by non-affiliates, and the term "affiliate" is elusive because of the subjective judgments necessary to determine control. However, the Commission has determined to adopt this condition because the "float" available for public trading is more indicative of general market interest in a company than the total market capitalization of a class of stock which may include significant amounts of other stock which is not available for trading.

The requirement that the \$50 million amount be related to the issuer's voting stock was also criticized. Commentators noted that many companies with no publicly held voting stock may be more seasoned than some companies with publicly held voting stock. Some suggested that Form S-16 be available so long as the issuer has a class of voting or non-voting securities which meets the required capitalization condition.

The Commission agrees that information about certain companies with publicly held non-voting securities may be widely available. Accordingly, the amendments adopted today permit the use of Form S-16 by issuers with no publicly held voting stock when the issuer is a majority owned subsidiary and its parent meets the capitalization requirement discussed above and guarantees the securities as to interest and principal.<sup>7</sup> However, the \$50 million standard, while appropriate for voting securities, would not necessarily be indicative of general market interest in debt securities. Further, the Commis-

sion has directed its staff to consider what conditions for the availability of Form S-16 would be appropriate for other issuers with no publicly-held voting securities.<sup>8</sup>

The amendments also require that a primary offering to the public registered on Form S-16 be subject to a firm commitment underwriting. The condition was proposed because it would further assure investor protection and control over the offering price and amount of securities being offered. Some commentators asserted that the condition required a more costly means of distribution and would inhibit the use of Form S-16 for primary offerings. The Commission believes that this condition is necessary at this time for the reasons mentioned in Release No. 33-5879.

The principal objection of the commentators to the firm commitment underwriting condition relates to the potential liability of underwriters with respect to the documents incorporated by reference. Various commentators took the position that resolution of the issue of underwriter liability is a prerequisite to use of the form for underwritten offerings.

The liability of underwriters for documents incorporated by reference has been the subject of discussion since the integration of the securities acts was first considered. The internal Commission study group which first recommended the adoption of a short registration form also suggested the adoption of a rule providing that, under certain circumstances, a broker acting as an underwriter in connection with a secondary offering on an exchange would be deemed to have made a reasonable investigation and to have reasonable grounds to believe the statements made in a registration statement and the documents incorporated by reference if he had read the registration statement and the documents and was not aware of any false or misleading statements.<sup>9</sup>

More recently, the Advisory Committee urged the adoption of a rule relating to liability with regard to documents incorporated by reference "in order to encourage the use of the short form registration statements, and taking into account the practical problems confronting underwriters and others, while balancing the need for appropriate liability standards." Their recommended rule provides, inter alia, that the fact of incorporation by reference may be taken into account in determining liability for the incorporated documents.<sup>10</sup>

The Commission has asked its staff to consider whether a rule relating to

liability as to documents incorporated by reference should be proposed for comment, and that consideration is underway. However, the Commission determined not to delay its action pending completion of the staff's review because it believes that the amendments to Form S-16 should be available to those desiring to use them.

The Commission has made two minor revisions to the proposed instruction relating to the underwriting requirement. In response to the comment that public utility companies must invite bids prior to entering into an underwriting agreement, the instruction requires that the primary offering "is or will be pursuant to a firm commitment \* \* \*" In addition, the definition of firm commitment underwriting in the instruction has been amended to provide that this type of underwriting is one "where the underwriters are committed to take and to pay for all or not less than 90 percent of the securities being offered" [emphasis added]. The italicized language was added because underwriting agreements may frequently provide the underwriters with a right to purchase an additional amount of securities and this type of provision should not preclude the availability of the short form.

In Securities Act Release No. 5879 (42 FR 58677), comments were invited on alternate or additional criteria for the availability of the form relating to the number of security holders and the trading volume in the issuer's securities. Although a few commentators endorsed the proposal to provide alternate eligibility conditions for issuers who cannot comply with the other criteria, the Commission has determined not to adopt any conditions besides the capitalization and underwriting requirements and the requirement that an issuance of debt securities be pursuant to an indenture qualified under the Trust Indenture Act (15 U.S.C. 77aaa et seq.). The Commission believes that the number of security holders is not necessarily indicative of the general interest in the issuer's securities and that any trading volume condition might unnecessarily limit the availability of the form. A company with stock generally held by investors for long periods of time might not qualify, while the trading volume in securities of another issuer in a volatile and unstable market might satisfy this condition.

#### B. OFFERINGS TO EXISTING SECURITY HOLDERS

1. *Convertible Securities and Warrants—General Instruction A(2) to Form S-16.* The amendments adopted today expand the availability of Form S-16 for the registration of securities offered upon exercise of transferable

<sup>7</sup>See Report at 551-554 for a discussion concerning the availability of company reports to debt security holders.

<sup>8</sup>Wheat Report at 98-112.

<sup>9</sup>Report at 454-455.

<sup>7</sup>See General Instruction A(f) of the Rules as to the Use of the Form S-7.

warrants and conversion of outstanding convertible securities by holders. The form has been available in the past only when no commission or other payment is made for the solicitation of the exercise or the conversion. In view of the expansion of the use of Form S-16 for primary offerings of certain issuers, the Commission has amended the instructions relating to convertible securities and warrants to permit registration on Form S-16 when solicitation fees are paid by an issuer provided: (1) The voting stock of the issuer which is held by non-affiliates has an aggregate market value of \$50 million; or (2) the issuer is a majority owned subsidiary of a company which meets the capitalization provision and this parent guarantees the securities.

Some commentators suggested eliminating the ban on payments for solicitation. The existence of a compensated effort to convince security holders to convert their securities or exercise their rights is one indication of the need for the protections offered by registration and the delivery of a complete disclosure document. Although the decision to exercise or convert may be based generally upon the market price of the underlying securities, there may be circumstances when compensated sales efforts by brokers may affect this decision-making process. Accordingly, the Commission has not eliminated the limitation on payments for solicitation completely but has limited the availability of the form to those issuers permitted to use it in connection with underwritten financings.

Two technical amendments have been made in the proposed instructions relating to convertible securities and warrants. The phrase "transferable warrants" in the existing form has been retained in lieu of the proposed phrase, warrants "not subject to any transfer restrictions." The proposed language may have had the unintended effect of precluding use of the form when the warrants were transferable pursuant to the provisions of Rule 144 (17 CFR 230.144). In addition, General Instruction A(2) will permit the use of Form S-16 for the registration of securities offered upon the exercise of transferable warrants issued by the issuer of the securities or by an affiliate of the issuer. Although the issuer of warrants and of their underlying securities are generally the same, there appears to be no valid reason to proscribe use of the form by an issuer when the warrants were issued by its affiliate.

**2. Rights Offerings—General Instruction A(3).** Most of the commentators who discussed the proposal to expand the use of Form S-16 for rights offerings expressed agreement with this revision. Accordingly, the Commission

has adopted General Instruction A(3) which provides that Form S-16 is available for the registration of securities to be offered upon the exercise of outstanding rights granted on a pro rata basis to all existing security holders by the issuer of the security underlying the right.

As a result of this amendment and the previously discussed use of Form S-16 for the registration of primary offerings by certain issuers, issuers will be permitted to register securities to be offered in a rights offering on Form S-16 and sell any securities not taken by the existing security holders pursuant to a prospectus filed as a post-effective amendment to the initial registration statement on Form S-16 provided the offering of the remaining securities is pursuant to a firm commitment underwriting agreement and the issuer satisfies the eligibility conditions for primary offerings by certain issuers. In order to clarify that securities not issued in the rights offering may be sold on Form S-16 pursuant to a post-effective amendment, proposed General Instruction A(1) has been revised to delete the phrase "in transactions not involving rights offers." That phrase could have been interpreted erroneously to not permit the use of form S-16 for the registration for public sale of any securities which were not purchased by security holders pursuant to a rights offering.

The proposed amendments to the rule as to the use of Form S-16 also would have expanded the availability of the form to certain foreign private issuers making rights offerings, provided they satisfied certain conditions which were intended to assure that the issuer's reports and other information had been widely disseminated in the United States. Those proposals were premised upon the concept that the foreign issuer's annual report would be comparable in form and content to an annual report filed by a domestic registrant on Form 10-K. The Commission presently is receiving comments on proposed Form 20-F, which was published for comment in Securities Act Release No. 33-5880 (November 2, 1977) (42 FR 58677), and which is intended generally to conform the annual reporting requirements for foreign and domestic registrants. Since proposed Form 20-F has not been adopted, the Commission is not adopting the proposed amendments to Form S-16 concerning rights offerings by foreign issuers; at such time as the Commission may adopt proposed Form 20-F, further consideration will be given to the relevant amendments to Form S-16.

**3. Dividend or Interest Reinvestment Plans—General Instruction A(4).** The commentators approved the proposal to make Form S-16 available for the

registration of securities offered pursuant to dividend or interest reinvestment plans by issuers eligible to use Form S-7. They noted that the availability of the form for securities offered pursuant to dividend or interest reinvestment plans will result in substantial cost savings and elimination of duplication of disclosure to security holders.

The proposed general instruction relating to these plans has been amended to provide for the reinvestment of dividends or interest paid to both holders of stock and other securities. Although common stock is usually purchased under these plans, the instruction provides that the dividends or interest may be used to buy securities of the registrant. In addition, the instruction has been revised to clarify that the securities to be offered under the plan may be newly issued or purchased on the market.

A few commentators noted that the purchase price for securities purchased for the account of participants in dividend or interest reinvestment plans is determined frequently in accordance with a pricing formula based upon average market prices. A price determined under this formula might exceed the price specified in the proposed instruction, the current market price at the time of purchase. In order to account for nominal variations in purchase price from current market prices as a result of the pricing formulas, General Instruction A(4) as adopted provides that the purchase price for securities purchased for the account of plan participants should not exceed current market prices, however such prices could be determined in accordance with the pricing formula specified in the plan and based upon average or current market prices at the time of purchase. This provision would permit the use of the form even though the plan contemplates the purchase of securities at discounted prices.

One commentator suggested that the form be available for the registration of securities offered under dividend or interest reinvestment plans by a larger class of issuers than those which satisfy the conditions as to the use of Form S-7. The Commission has determined to consider this suggestion in connection with its consideration of an Advisory Committee suggestion to further expand the class of issuers eligible to use Form S-7.<sup>11</sup>

**4. Closed End Management Investment Companies—General Instruction A(6).** General Instruction A(6), as adopted, provides that Form S-16 may be used by certain closed-end management investment companies for the registration of securities offered pursuant to secondary offerings in accor-

<sup>11</sup>See report at 420-469.

dance with General Instruction A(5) and dividend or interest reinvestment plans in accordance with General Instruction A(4). The Commission determined not to amend the form to permit closed-end funds to register securities offered in other types of primary offerings. The Commission believes a fully informed decision on whether or not to invest in securities of an investment company necessitates consideration of the business and operations of an investment company and therefore that offerees who are not already shareholders must be provided such disclosure. Form S-16 is not designed to take into account the special concerns unique to primary offerings of closed-end funds.<sup>12</sup>

The instruction relating to the use of the short form by closed-end funds has been amended to make the timeliness filing requirement consistent with that applicable to industrial companies. The provision in the Rules as to the Use of Form S-7 relating to the timeliness of Exchange Act filings was modified in December 1976 to require that such reports have been filed on a timely basis for the preceding twelve calendar months in lieu of three fiscal years prior to the date of filing.<sup>13</sup>

#### C. SECONDARY OFFERINGS—GENERAL INSTRUCTION A(5)

General Instruction A(5) adopts the existing staff position that Form S-16 may be used for the registration of securities acquired by standby underwriters in connection with the call or redemption by the issuer of warrants or a class of convertible securities provided the issuer is a company able to use Form S-7 and securities of the same class are listed and registered on a national securities exchange or are quoted on the automated quotation system of a national securities association.

General Instruction A(5) (former General Instruction A(a)(1)) also provides specifically that the short form may be used for the registration of securities received by affiliates pursuant to a plan registered on Form S-8 (17 CFR 239.16b) when the conditions specified in General Instruction E to Form S-8 have been met. Under the limited circumstances listed in General Instruction E(1)(b) to Form S-8, the issuer of the securities being registered need not satisfy the requirements for the use of Form S-7 at the time of filing the registration statement.

#### D. OTHER SUGGESTED CONDITIONS FOR THE AVAILABILITY OF FORM S-16

Some of the commentators suggested that Form S-16 be amended to

<sup>12</sup>See Investment Company Act Release No. 8322 (June 15, 1976) 41 FR 25056.

<sup>13</sup>Securities Act No. 5791 (December 20, 1976) (41 FR 56301).

permit its use for the registration of securities offered in the following circumstances: (1) Securities offered pursuant to employee benefit or stock purchase plans, including such plans set up as a part of dividend or interest reinvestment plans; (2) securities to be offered in connection with business acquisitions and registered for the shelf;<sup>14</sup> and (3) securities exchanged by an issuer with its existing security holders when the exemption from registration in Section 3(a)(9) of the Securities Act (15 U.S.C. 77c) is unavailable because solicitation fees are paid in connection with the exchange.

A relatively simple form is available to issuers for the registration of securities offered to employees under benefit or stock purchase plans. Form S-8 requires descriptions of the plan and the securities and this information generally would be material regardless of the available registration form; most of the other information required to be set forth in a prospectus filed on Form S-8 may be incorporated by reference from the annual report to shareholders. The Commission believes that employees who are not already shareholders should be provided all of this information and accordingly has not amended the short form to permit its use for employee plans.

Amendment of the short form for the registration of securities for the shelf may not be appropriate because detailed information in a registration statement may be useful to offerees whose business is being acquired by the issuer.

With reference to exchanges of securities involving only one issuer, a registration statement on Form S-16 may not provide adequate disclosure when the security holders are solicited. Current financial information, including pro forma statements which give effect to the exchange, may be useful information for a security holder to consider prior to exchanging his securities for other securities with different rights and terms. Accordingly, the Commission has not expanded the form to these types of transactions.

#### II. DISCLOSURE REQUIREMENTS

Some of the amendments adopted today clarify existing disclosure requirements applicable to all types of offerings registered on Form S-16 and others are necessary because of the new uses for which the form is available.

New Item 3 (Plan of Distribution) has been revised to require informa-

<sup>14</sup>In Securities Act Release No. 5791 the Commission amended Form S-7 to enable its use in exchange offers and noted that that amendment would enable the use of Form S-7 for a shelf registration statement. (See Securities Act Release No. 5791, Footnote 13 (41 FR 56301).)

tion about any compensation paid to dealers to be disclosed whether the distribution is through underwriters or otherwise. Item 3 also requires issuers of securities being offered pursuant to a dividend reinvestment plan to state who pays fees and commissions incurred in connection with the purchase of any securities by the plan on the market.

New Item 6 provides that the securities being registered should be described unless securities of the same class are registered pursuant to Section 12 of the Exchange Act. The required descriptions should include a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to should not be given and the provisions of the governing instruments should not be set forth verbatim. Technical revisions in this item have been made to incorporate some of the instructions to the various paragraphs of the item in order to simplify an understanding of the disclosure provisions. Although one commentator urged the Commission to require complete descriptions of all securities except common stock, the Commission believes this is unnecessary because a description of such securities is readily available in the registration statement filed to register the securities pursuant to Section 12 of the Exchange Act, and this description is incorporated by reference.

In order to further safeguard the interests of offerees of securities registered on Form S-16, the Commission has amended former Item 9 of Form S-16 relating to disclosure of additional information. New Item 8(a) requires disclosure of any material changes in the issuer's affairs which have occurred since the end of the latest fiscal year for which certified financial statements were included in an annual report or prospectus incorporated by reference pursuant to the form and which have not been described in a report on Form 8-K (17 CFR 249.308) or 10-Q (17 CFR 249.308a) or in a proxy or information statement. Some commentators argued that the deletion of the word "adverse" in former Item 9 increases the uncertainty as to what information should be disclosed in the prospectus. The Commission believes, however, that this revision will assure that the incorporated documents and the prospectus together set forth all material information about the issuer. In addition, Item 8(a) states that financial information may be required in the prospectus if the documents incorporated by reference do not include financial statements necessary to reflect that the issuer has: (1) entered into a significant business combination accounted for as a pooling of interests, or (2) made a change

in accounting principles which requires a substantial retroactive restatement of financial statements.

In order to clarify the existing requirement in Rule 439 (17 CFR 230.439) of the Rules for the Filing and Preparation of Registration Statements, Regulation C (17 CFR 230.400-230.494), an amendment to Item 7 (Incorporation of Certain Documents by Reference), has been adopted. The Instruction to Item 7 requires inclusion within the registration statement of the consent of an expert who is named as having prepared or certified any part of the material incorporated by reference or is named as having prepared or certified a report or valuation for use in connection with any material so incorporated unless express consent to the incorporation by reference is contained in the material incorporated by reference. The consent of experts named in future material incorporated by reference must be filed by amendment to the registration statement. This item has also been revised because certain companies which file reports pursuant to Section 15(d) are eligible to use Form S-16.

Certain other amendments have been adopted which are applicable to primary offerings to the public. Item 8(d) requires issuers registering securities pursuant to General Instruction A(1) to undertake in the prospectus to provide without charge to each person to whom a prospectus is delivered, on the written request of any such person, copies of the documents filed by the issuer which are incorporated by reference to the registration statement, including the financial statements and the schedules. Since copies of exhibits are not required to be delivered pursuant to the requirements of any other registration form. The undertaking extends only to the reports, proxy statements or similar documents—excluding exhibits thereto—which are incorporated by reference into the Form S-16 prospectus.

This provision will assure that offeres may examine all recent material information about the issuer. One commentator argued that compliance with this requirement would be costly because documents would be requested for research by persons who were not bona fide offeres. To narrow and identify more precisely the class of persons entitled to receive such documents, the Commission has made a revision. The proposed requirement was to furnish the documents on the request of "each person to whom the securities are offered;" the adopted requirement is to furnish the document on the request of "each person to whom a prospectus is delivered."

Part II of registration statements filed by issuers on Form S-16 to register securities for primary offerings to the public must include the following

additional information: (1) An itemized statement of all expenses incurred by the issuer in connection with the issuance and distribution of the securities; (2) a description of the relationship with the issuer of experts named in the registration statement; (3) a discussion of the treatment of the proceeds from the sale if the consideration is to be credited to an account other than the appropriate capital stock account; and (4) a list of the statements of eligibility and qualifications of persons designated to act as trustee under an indenture to be qualified under the Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.).

A few other minor technical revisions have been made in the provisions of Form S-16. General Instruction B provides that a table of contents or cross-reference sheet is not required in the prospectus or the registration statement. Item 7 states that copies of documents incorporated by reference need not be filed with the registration statement. Item 13(d) relating to required exhibits has been revised to clarify that only contracts referred to specifically in the prospectus in answer to Item 8(a) need be filed as exhibits in accordance with that paragraph. Contracts referred to in the material incorporated by reference need not be filed as exhibits.

GENERAL

Because of the Commission's responsibility to protect investors and safeguard the public interest in connection with sales and purchases of securities, the adoption of these amendments is in the nature of an experiment. The

broadened availability of the form will be monitored. This will permit consideration of amendments to further expand the class of issuers which can use the form, or the types of offerings for which the form can be used, or to limit the availability of the form if the protection of investors so requires.

AMENDMENTS

The text of the amendments is set forth below:

Form S-16 (17 CFR 239.27) is amended as follows:

§ 239.27 Form S-16, for registration under the Securities Act of 1933 of securities of certain issuers offered pursuant to certain types of transactions.

SECURITIES AND EXCHANGE COMMISSION

FORM S-16

REGISTRATION STATEMENT

UNDER THE SECURITIES ACT OF 1933

(Exact name of issuer as specified in its charter.)

(State or other jurisdiction of incorporation or organization.)  
(I.R.S. Employer Identification No.)

(Address of principal executive offices.)

(Zip Code)  
Issuer's telephone number, including area code

(Name and address of agent for service)  
Approximate date of commencement of proposed sale to the public

CALCULATION OF REGISTRATION FEE

Title of each class of securities to be registered	Amount to be registered	Proposed maximum offering price per unit	Proposed maximum aggregate offering price	Amount of registration fee
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SECURITIES AND EXCHANGE COMMISSION,  
WASHINGTON, D.C. 20549

FORM S-16

FORM S-16, FOR REGISTRATION UNDER THE SECURITIES ACT OF 1933 OF SECURITIES OF CERTAIN ISSUERS OFFERED PURSUANT TO CERTAIN TYPES OF TRANSACTIONS.

GENERAL INSTRUCTIONS

A. Rule as to Use of Form S-16. Form S-16 may be used for registration under the Securities Act of 1933 of securities offered in the transactions specified below, if the issuer meets the requirements for the use of Form S-7 (17 CFR 236.26) at the time of filing the registration statement:

1. Transactions Involving Certain Primary Offerings. Debt or equity securities offered for cash by or on behalf of the issuer provided the following conditions are met:

(a) The issuer meets one of the conditions

listed in (i) or (ii) below relating to the aggregate market value of one or more of its or its parent's classes of outstanding voting stock. The aggregate market value of the issuer's outstanding stock shall be computed by reference to the price at which the stock was sold, or the average of the bid and asked prices of such stock, as of a specified date within 60 days prior to the date of filing. (See the definition of affiliate in Rule 405.)

(i) The aggregate market value of the voting stock held by non-affiliates of the issuer is \$50 million or more; or

(ii) The aggregate market value of the voting stock of the issuer's parent held by non-affiliates is \$50 million or more, the issuer is a majority owned subsidiary and its parent has fully guaranteed the securities as to principal and interest.

(b) The offering is or will be pursuant to a firm commitment underwriting in which the underwriters are committed to take and to

pay for all or not less than 90 percent of the securities being offered.

(c) If debt securities are to be registered, they shall be issued pursuant to a trust indenture subject to and qualified under the Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.).

2. *Conversions or Warrants.* Securities to be offered upon the conversion of outstanding convertible securities or upon the exercise of outstanding transferable warrants issued by the issuer of the securities to be offered, or by an affiliate of such issuer: *Provided:*

(a) No commission or other remuneration is paid for soliciting the conversion of the convertible securities or the exercise of the warrants; or

(b) The issuer (or the parent, if the issuer is a majority owned subsidiary and the parent fully guarantees the securities) has one or more classes of outstanding voting stock and the aggregate market value of the voting stock held by its non-affiliates is \$50 million or more determined in accordance with General Instruction A(1)(a) above.

3. *Rights offerings.* Securities to be offered upon the exercise of outstanding rights granted by the issuer of the securities to be offered: *Provided:* Such rights are granted on a pro rata basis to all existing security holders of the class of securities to which the rights attach.

4. *Transactions Involving Dividend or Interest Reinvestment Plans.* Securities of the issuer offered solely to its existing security holders pursuant to a plan established to allow such persons to reinvest dividends or interest paid them on securities issued by the issuer, plus additional cash amounts contributed by the participants of the plan: *Provided:* The securities to be registered are newly issued, or are purchased for the account of plan participants, at prices not in excess of current market prices at the time of the purchase, or at prices not in excess of an amount determined in accordance with a pricing formula specified in the plan and based upon average or current market prices at the time of the purchase.

5. *Transactions involving secondary offerings.* Outstanding securities to be offered for the account of any person other than the issuer, including securities acquired by standby underwriters in connection with the call or redemption by the issuer of warrants or a class of convertible securities, if securities of the same class are listed and registered on a national securities exchange or are quoted on the automated quotation system of a national securities association. In addition, Form S-16 may be used by affiliates to register securities for resale pursuant to the conditions specified in General Instruction E to Form S-8 (17 CFR 239.16b).

6. *Secondary Offerings by Certain Closed End Management Investment Companies.* Form S-16 may be used by closed end management investment companies for the registration of securities under the Securities Act of 1933 only for the purpose specified in paragraphs (4) and (5) above and subject to applicable requirements of Section 18(d) of the Investment Company Act of 1940: *Provided:* That such company: (1) Is registered as a closed end management investment company under the Investment Company Act of 1940; (2) has been subject to and has filed all material required to be filed pursuant to Sections 20(a) and 30(a) and (b) of such act for a period of at least thirty-six calendar months immediately preceding the filing of the registration statement on this

form; (3) has filed in a timely manner all reports required to be filed during the twelve calendar months preceding the filing of the registration statement; and (4) meets the requirements of paragraphs (c) through (f) of the Rule as to the Use of Form S-7.

B. *Application of General Rules and Regulations.* Attention is directed to the General Rules and Regulations under the Act, particularly those comprising Regulation C. That regulation contains general requirements regarding the preparation and filing of the registration statement. Rules 405, 439 and 473 should be especially noted. Notwithstanding Rules 404(c) and 421(c), no table of contents or cross-reference sheet need be included in the prospectus or the registration statement.

C. *Documents Comprising Registration Statement.* The registration statement shall consist of the facing sheet of the form, a prospectus containing the information called for by Part I, the information, undertaking and list of exhibits specified in Part II, signatures, consents of experts, exhibits and any other information or documents filed as a part of the registration statement.

D. *Notice of Intention to File the Registration Statement.* The registrant is requested to advise the Branch Chief in the Division of Corporation Finance who regularly reviews registrant's filings, by letter, or its intention to file a registration statement on Form S-16 as soon as possible prior to the actual filing thereof, and to indicate a contemplated filing date for the registration statement. Such pre-filing notice is intended to assist the Commission's staff in its processing of registration and is optional on the part of the registrant. *Provided* such pre-filing notice to the staff is not a condition to the use of Form S-16.

#### PART I. INFORMATION REQUIRED IN PROSPECTUS

*Item 1. Identity of Issuer.* Give the name of the issuer of the securities to be registered, the complete mailing address, including the zip code, and the telephone number, including the area code, and its principal executive offices.

*Item 2. Distribution Spread.* The information called for by the following table shall be given, in substantially the tabular form indicated, on the outside front cover page of the prospectus as to all securities to be registered (estimated, if necessary).

	Underwriting discounts and commissions	Proceeds to issuer or other persons
Price to public		
Per unit .....		
Total .....		

*Instructions.* 1. Only commissions paid by the issuer or selling security holders in cash are to be included in the table. Commissions paid by other persons, and other consideration to the underwriters, shall be set forth following the table with a reference thereto in the second column of the table. Any finder's fee or similar payments shall be appropriately disclosed.

2. If it is impracticable to state the price to the public, the method by which it is to be determined shall be explained. In addition, if the securities are to be offered at the market, or if the offering price is to be determined by a formula related to market prices, indicate the market involved and the market price as of the latest practicable date.

3. If any of the securities to be registered are to be offered for the account of security holders, refer on the first page of the prospectus to the information called for by Item 3(b).

*Item 3. Plan of Distribution.* Describe the transaction or transactions in which the registered securities are to be offered.

(a) If the securities are to be offered through underwriters, give the names of the principal underwriters, and state the respective amounts underwritten. Identify each such underwriter having a material relationship to the issuer and state the nature of the relationship. State briefly the nature of the obligation of the underwriter(s) to take the securities.

*Instruction.* All that is required as to the nature of the underwriters' obligation is whether the underwriters are or will be committed to take and to pay for all of the securities if any are taken, or whether it is merely an agency or "best efforts" arrangement under which the underwriters are required to take and pay for only such securities as they may sell to the public. Conditions precedent to the underwriter's taking the securities, including "market-outs," need not be described except in the case of an agency or "best efforts" arrangement.

(b) State briefly the discounts and commissions to be allowed or paid to dealers, including all cash, securities, contracts or other consideration to be received by any dealer in connection with the sale of the securities. If any dealers are to act in the capacity of sub-underwriters and are to be allowed or paid any additional discounts or commissions for acting in such capacity, a general statement to that effect will suffice without giving the additional amounts to be sold.

(c) Outline briefly the plan of distribution of any securities to be registered which are to be offered otherwise than through underwriters.

(1) If any securities are to be offered pursuant to dividend or interest reinvestment plans the terms of which provide for the purchase of some securities on the market, state whether the issuer or the participant pays fees, commissions and expenses incurred in connection with the plan. If the participant will pay such fees, commissions and expenses, state the anticipated cost to participants by transaction or other convenient reference.

(2) If the securities are to be offered through the selling efforts of brokers or dealers, describe the plan of distribution and the terms of any agreement, arrangement or understanding entered into with broker(s) or dealer(s) prior to the effective date of the registration statement, including volume limitations on sales, parties to the agreement and the conditions under which the agreement may be terminated. If known, identify the broker(s) or dealer(s) who will participate in the offering and state the amount to be offered each.

(d) State the name of the exchange on which the securities are to be offered, if any; if the securities are to be offered in the over-the-counter market, so state. If the registered securities are to be offered in connection with the writing of exchange-traded call options, briefly describe such transactions.

*Item 4. Securities to be Offered and Identity of Offeror(s).* (a) State the title and aggregate amount of the securities to be offered and the identity of the offeror(s).

(b) If the securities to be registered are to be offered for the account of any person or

persons other than the issuer, furnish the following information as to each such person;

(1) The name and address of each such person and the nature of any position, office or other material relationship which he has, or has had within the past three years, with the issuer or any of its predecessors or affiliates;

(2) The title and amount of each class of securities of the issuer beneficially owned by him, the amount of each such class which he has the right to acquire through the exercise of options, warrants or rights and the amount of each class to be offered for his account; and

(3) If the securities are to be offered on behalf of a director or officer of the issuer or a person who owns of record or is known by the issuer to own beneficially ten percent or more of any class of equity securities of the issuer, or on behalf of any associate of any such director, officer or security holder, briefly describe the transaction(s) in which the securities were acquired, including the date(s) on which they were acquired, the amount acquired, the purchase price per share or other unit or the nature and amount of other consideration, and the market price of the securities on the date of acquisition.

*Instruction.* Paragraph (3) need not be answered if the information called for has previously been disclosed in a registration statement under the Securities Act of 1933 or in a registration statement, report or proxy or information statement under the Securities Exchange Act of 1934 or the Investment Company Act of 1940.

*Item 5. Use of Proceeds to Issuer.* State the principal purposes for which the net proceeds to the issuer from the securities to be offered are intended to be used, and the approximate amount intended to be used for each such purpose.

*Instruction.* Details of proposed expenditures are not to be given; for example, there need be furnished only a brief outline of any program of construction or addition of equipment. If any material amount of other funds is to be used in conjunction with the proceeds, state the amount and sources of such other funds. If any material amount of the proceeds is to be used to acquire assets, otherwise than in the ordinary course of business, briefly describe the assets and give the names of the persons from whom they are to be acquired. State the cost of the assets to the issuer and the principle followed in determining such cost.

*Item 6. Securities to be Registered—(a) Capital Stock to be Registered.* If capital stock is to be registered, state the title of the class and furnish a brief summary of the information listed in (1)-(4) below unless securities of the same class are registered pursuant to Section 12 of the Securities Exchange Act of 1934. A complete legal description of the securities should not be given.

(1) Outline briefly: (A) dividend rights; (B) voting rights; (C) liquidation rights; (D) pre-emptive rights; (E) conversion rights; (F) redemption provisions; (G) sinking fund provisions; and (H) liability to further calls or to assessment by the issuer.

(2) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(3) If preferred stock is to be registered, outline briefly any restriction on the repur-

chase or redemption of shares by the issuer while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

(4) If the rights evidenced by the securities to be registered are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by the securities to be registered. No information need be given, however, as to any class of securities all of which will be redeemed and retired, provided appropriate steps to assure such redemption and retirement will be taken prior to or upon delivery by the issuer of the securities to be registered.

(b) *Debt Securities to be Registered.* If debt securities are to be registered, state the title of such securities and outline briefly such of the matters listed in (1)-(8) below as are relevant, unless securities of the same class are registered pursuant to Section 12 of the Securities Exchange Act of 1934. A complete legal description of the securities should not be given. For purposes solely of this item, debt securities which differ from one another only as to the stated interest rate or the term of maturity shall be regarded as securities of the same class.

(1) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund or retirement.

(2) Provisions with respect to the kind and priority of any lien securing the issue, together with a brief identification of the principal properties subject to such lien.

(3) Provisions with respect to the subordination of the rights of holders of the securities registered to other security holders or creditors of the issuer.

(4) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(5) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions. In the case of secured debt, there should be stated: (i) The approximate amount of unbonded bondable property available for use against the issuance of bonds, as of the most recent practicable date, and (ii) whether the securities being registered are to be issued on the basis of such property, the deposit of cash, or otherwise. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described.

(6) The name of the trustees and the nature of any material relationship with the issuer or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action and what indemnification the trustee may require before proceeding to enforce the lien.

(7) The general type of event which constitutes a default and whether or not any periodic evidence is required to be furnished as to the absence of default or as to compliance with the terms of the indenture.

(8) Provisions relating to material limitations on or qualifications of the rights evi-

denced by the securities to be registered. See Item 6(a)(4).

*Instructions to Item 6(b).* 1. Section 305(a)(2) of the Trust Indenture Act of 1939 shall not be deemed to require the inclusion in the registration statement or in the prospectus of any information not required by this form.

2. If a specimen copy of the registered security furnishes the information required by this item in a clear, understandable manner, then such specimen copy may be included in the prospectus in satisfaction of the above requirements.

(c) *Warrants, Rights and Convertible Securities.* If the securities described are to be offered pursuant to warrants, rights or convertible securities, state: (1) The amount of securities called for by such warrants, convertible securities or rights, (2) the period during which and the price at which the warrants, convertible securities or rights are exercisable, (3) the amount of warrants, convertible securities or rights outstanding, and (4) any material terms of such securities.

(d) *Other Securities.* If securities other than capital stock or debt are to be registered, outline briefly the rights evidenced thereby.

*Item 7. Incorporation of Certain Documents by Reference.* The issuer shall incorporate by reference into the prospectus the documents listed in (a) through (d) below and shall state that all documents subsequently filed by it pursuant to Sections 13, 14, or 15(d) of the Securities Exchange Act of 1934, prior to the termination of the offering of the securities, shall be deemed to be incorporated by reference in the prospectus and to be a part thereof from the date of filing of such documents. Copies of these documents are not required to be filed with the registration statement.

(a) The issuer's latest annual report filed pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 or the latest prospectus filed pursuant to Rule 424 (b) or (c) under the Securities Act of 1933, which contains certified financial statements for the issuer's latest fiscal year for which such statements have been filed.

(b) All other reports filed pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 since the end of the fiscal year covered by the annual report or prospectus referred to in (a) above.

(c) The issuer's definitive proxy statement or information statement, if any, filed pursuant to Section 14 or the Securities Exchange Act of 1934 in connection with the latest annual meeting of its stockholders, and any definitive proxy or information statements so filed in connection with any subsequent special meetings of its stockholders.

(d) If the class of securities to be offered is registered under Section 12 of the Securities Exchange Act of 1934, the description of such class of securities which is contained in a registration statement filed under such Act, including any amendment or reports filed for the purpose of updating such description.

*Instruction.* If any accountant, engineer, or any person whose profession gives authority to a statement made by him is named as having prepared or certified any part of the material incorporated by reference or is named as having prepared or certified a report or valuation for use in connection with any of the material so incorporated, the written consent of such person

shall be included in the registration statement unless express consent to the incorporation by reference is contained in the material incorporated by reference. The written consent of persons so named in future material incorporated by reference shall be filed by amendment to the registration statement no later than the date on which such material is filed with the Commission unless express consent to such incorporation by reference is contained in the material incorporated by reference. Attention is directed to Rule 439.

**Item 8. Additional Information.** (a) Describe any material changes in the issuer's affairs which have occurred since the end of the latest fiscal year for which certified financial statements were included in an annual report or prospectus incorporated by reference in response to Item 7(a) and which have not been described in a report on Forms 8-K or 10-Q (17 CFR 249.308 and 249.308a) or in a proxy or information statement filed under the Securities Exchange Act of 1934. Financial information may be required in the prospectus if the documents incorporated by reference do not include financial statements which reflect the results of: (1) A significant business combination accounted for as a pooling of interests; or (2) a change in accounting principles where such change requires a substantial retroactive restatement of financial statements.

(b) If there has been a change in control of the issuer within the past thirty-six calendar months which has not been "previously reported" as defined in Rule 12b-2 under the Securities Exchange Act of 1934, describe the change in control and provide any information called for by Items 16 to 20, inclusive, of Form S-1 which has not been "previously reported."

(c) State that reports, proxy statements and other information filed by the issuer can be inspected and copied at the public reference facilities maintained by the Commission in Washington, D.C. and at certain of its Regional Offices, stating the current address of each such facility, and that copies of such material can be obtained from the Public Reference Section of the Commission, Washington, D.C. 20549 at prescribed rates. In addition, name any national securities exchange on which the issuer's securities are listed, and state that reports, proxy statements and other information concerning the registrant can be inspected at such exchanges.

(d) If the proposed offering is a primary offering by the issuer in accordance with the criteria in General Instruction A(1), include an undertaking, in boldface or otherwise reasonably prominent type, to provide without charge to each person to whom a prospectus is delivered, on the written request of any such person, a copy of any or all of the documents described in Item 7 which have been incorporated by reference in the prospectus other than exhibits to such documents. Indicate the name and address of the person to whom such a written request is to be directed.

#### PART II. INFORMATION NOT REQUIRED IN PROSPECTUS

Instruction for Items 9 through 12. Items 9 through 12 below need be answered only if the registration statement involves a primary offering of securities in accordance with the criteria in General Instruction A(1).

**Item 9. Other Expenses of Issuance and Distribution.** Furnish a reasonably itemized statement of all expenses in connection with

the issuance and distribution of the securities to be registered, other than underwriting discounts and commissions. If any of the securities to be registered are to be offered for the account of security holders, indicate the portion of such expenses to be borne by such security holders.

**Instruction.** Insofar as practicable, registration fees, Federal taxes, State taxes and fees, trustees' and transfer agents' fees, costs of printing and engraving, and legal, accounting and engineering fees shall be separately itemized. Include as a separate item any premiums paid by the issuer or any selling security holder on any policy which insures or indemnifies directors or officers against any liabilities they may incur in connection with the registration, offering or sale of the securities to be registered. The information may be given as subject to future contingencies. If the amounts of any items are not known, estimates designated as such shall be given.

**Item 10. Relationship with Issuer or Experts Named in Registration Statements.** If any expert named in the registration statement as having prepared or certified any part thereof was employed for such purpose on a contingent basis or, at the time of such preparation or certification or at any time thereafter, has a substantial interest in the issuer or any of its parents or subsidiaries or was connected with the issuer or any of its subsidiaries as a promoter, underwriter, voting trustee, director, officer or employee, furnish a brief statement of the nature of such contingent basis, interest or connection.

**Instruction.** In the case of an accountant, any direct financial interest or any material indirect financial interest held during the period covered by the financial statement prepared or certified shall be deemed a "substantial interest" for the purpose of this item.

**Item 11. Treatment of Proceeds from Stock to be Registered.** If capital stock is to be registered hereunder and any portion of the consideration to be received by the issuer for such stock is to be credited to an account other than the appropriate capital stock account, state to what other account such portion is to be credited and the estimated amount per share. If the consideration from the sale of par value shares is less than par value, state the amount per share involved and its treatment in the accounts.

**Item 12. Documents Relating to Trustees.** Furnish a list of the statements of eligibility and qualification of persons designated to act as trustee under an indenture to be qualified under the Trust Indenture Act of 1939.

**Item 13. List of Exhibits.** Subject to the rules regarding incorporation by reference, the following exhibits shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. The list of exhibits shall refer to exhibits which are incorporated by reference and such exhibits may bear the designation given in the previous filing.

(a) Copies of each underwriting contract with a principal underwriter, each syndicate agreement and each purchase, sub-underwriting or selling group agreement, distribution agreement or letter of the type referred to in Item 3(a) or (c), pursuant to which the securities to be registered are to be distributed or, if the terms of such documents are not determined, the proposed forms thereof.

(b)(1) Specimens or copies of all securities to be registered thereunder and copies of all constituent instruments defining the rights of the holders of such securities.

(2) If any of the securities to be registered are, or are to be, issued under an indenture to be qualified under the Trust Indenture Act of 1939, the copy of such indenture which is filed as an exhibit shall include or be accompanied by (1) a reasonably itemized and informative table of contents, and (2) a cross-reference sheet showing the location in the indenture of the provisions inserted pursuant to Sections 310 through 318(a) inclusive of the Trust Indenture Act of 1939.

(c) An opinion of counsel as to the legality of the securities to be registered, indicating whether they will when sold be legally issued, fully paid and non-assessable, and, if debt securities, whether they will be binding obligations of the registrant.

(d) Copies of every material contract not made in the ordinary course of business which is referred to in the prospectus in answer to Item 8(a). Only contracts as to which the issuer or a subsidiary of the issuer is a party or has succeeded to a party by assumption or assignment, or in which the issuer or such subsidiary has a beneficial interest, need be filed.

#### UNDERTAKINGS

A. The following undertaking, with appropriate modifications to suit the particular case, shall be included in the registration statement if the securities to be registered are to be offered in a continuous offering over an extended period of time:

"The issuer undertakes (a) to file any prospectuses required by section 10(a)(3) as post-effective amendments to the registration statement, (b) that for the purpose of determining any liability under the Act each such post-effective amendment may be deemed to be a new registration statement relating to the securities offered therein and the offering of such securities at that time may be deemed to be the initial bona fide offering thereof, (c) that all post-effective amendments will comply with the applicable forms, rules and regulations of the Commission in effect at the time such post-effective amendments are filed, (d) to remove from registration by means of a post-effective amendment any of the securities being registered which remain unsold at the termination of the offering, and (e) to furnish the Division of Corporation Finance a letter informing said Division when all of the securities registered have been sold."

B. The following undertaking, with appropriate modifications to suit the particular case, shall be included in the registration statement if the securities to be registered are to be offered to existing security holders pursuant to warrants or rights and any securities not taken by security holders are to be reoffered to the public:

"The undersigned issuer hereby undertakes to supplement the prospectus, after the expiration of the subscription period, to set forth the results of the subscription offer, the transactions by the underwriters during the subscription period, the amount of unsubscribed securities to be purchased by the underwriters and the terms of any subsequent reoffering thereof. If any public offering by the underwriters is to be made in terms differing from those set forth on the cover page of the prospectus, a post-effective amendment will be filed to set forth the terms of such offering."

C. The following undertaking, with appropriate modifications to suit the particular

case, shall be included in the registration statement if the securities to be registered are to be offered at competitive bidding:

"The undersigned issuer hereby undertakes to file an amendment to the registration statement reflecting the results of bidding, the terms of the reoffering and related matters to the extent required by the applicable form, not later than the first use, authorized by the issuer after the opening of bids, of a prospectus relating to the securities offered at competitive bidding, unless no further public offering of such securities by the issuer and no reoffering of such securities by the purchasers is proposed to be made."

SIGNATURES

Pursuant to the requirement of the Securities Act of 1933, the issuer has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of \_\_\_\_\_, and State of \_\_\_\_\_, on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Issuer) \_\_\_\_\_  
By \_\_\_\_\_

Pursuant to the requirements of the Securities Act of 1933, this registration state-

ment has been signed below by the following persons in the capacities and on the date indicated.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Instructions.* 1. The registration statement shall be signed by the issuer, its principal executive officer or officers, its principal financial officer, its controller or principal accounting officer and by at least the majority of the board of directors or persons performing similar functions. If the issuer is a foreign person, the registration statement shall also be signed by its authorized representative in the United States.

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement.

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 658; sec. 1, 79 Stat. 1051; 15 U.S.C. 77f, 77g, 77j, 77s(a).)

EFFECTIVE DATE

The amendments contained in this release shall be effective on May 30,

1978. On and after such date, initial registration statements filed on Form S-16 and post-effective amendments to registration statements containing a prospectus which follows the format of Form S-16, shall comply with these amendments. Persons desiring to rely upon the provisions of the newly amended form may do so prior to that date, provided they comply with all applicable provisions.

STATUTORY AUTHORITY

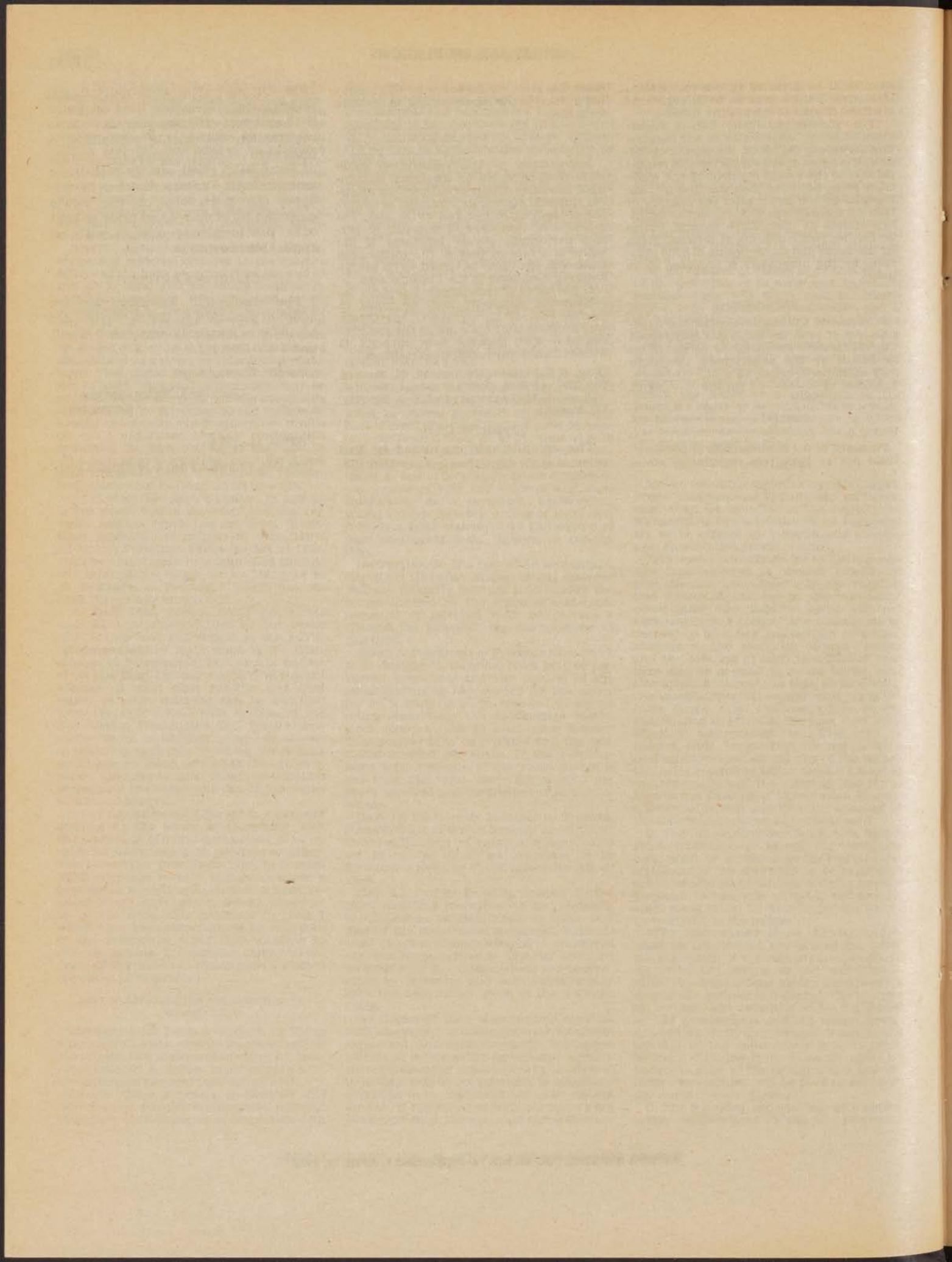
The foregoing amendments are adopted pursuant to the Securities Act of 1933, particularly sections 6, 7, 10, and 19(a) thereof.

By the Commission.

GEORGE A. FITZSIMMONS,  
*Secretary.*

APRIL 11, 1978.

[FR Doc. 78-10544 Filed 4-18-78; 8:45 am]



WEDNESDAY, APRIL 19, 1978  
PART V



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**ENVIRONMENTAL  
PROTECTION  
AGENCY**

■

**TOXIC SUBSTANCES  
CONTROL**

Second Report of the  
Interagency Testing Committee;  
Receipt and Request for  
Comments

Register  
Federal Order

[6560-01]

**ENVIRONMENTAL PROTECTION  
AGENCY**

[FRL 884-7]

**TOXIC SUBSTANCES CONTROL**

**Second Report of the Interagency Testing  
Committee; Receipt and Request for Comments**

AGENCY: Environmental Protection  
Agency (EPA).

ACTION: This Notice requests comments on the Interagency Testing Committee's recommendations of chemicals for priority consideration for testing.

SUMMARY: The Interagency Testing Committee established under section 4(e) of the Toxic Substances Control Act (TSCA) has transmitted to the EPA its Second Official Report. This Report identifies additional chemical substances and mixtures which the Committee recommends to EPA for priority consideration for promulgation of testing rules under section 4 of the Act. The Committee's recommendations revise and update recommendations made in the Committee's Initial Report. The Second Report appears in its entirety following this Notice. The Agency invites interested persons to submit comments on the Report.

BACKGROUND: Section 4 of TSCA authorizes the EPA Administrator to promulgate regulations requiring testing of chemicals to develop data relating to the risks which such chemicals may present to human health and the environment.

Section 4(e) established an Interagency Testing Committee and directed the Committee to recommend to the Administrator chemical substances and mixtures for priority consideration for test rule promulgation by October 1, 1977. The Committee's initial recommendations were published in the FEDERAL REGISTER on October 12, 1977 (42 FR 55026). Section 4(e) also directs the Committee to revise the list every six months as necessary. The Second Report recommends the addition of chemicals and groups of chemicals to the Committee's initial list and includes the Committee's reasons for each addition. The Agency is required to initiate rulemaking for these chemicals within 12 months of their inclusion on the priority list or to publicly state its reasons for not doing so.

**AVAILABILITY**

The Committee's report making these revisions appears in the FEDERAL REGISTER following this notice. Those persons who received the Committee's initial report will be mailed this report automatically within two weeks. Other persons wishing to receive copies

should call or write to: John B. Ritch, Jr., Director, Industry Assistance Office, Office of Toxic Substances, EPA, Washington, D.C. 20460. Call toll free 800-424-9065; in Washington, D.C. call 554-1404.

In developing its recommendations, the Committee relied almost exclusively on published or other generally available information. A number of general references were given in the Committee's initial report.

In addition, references for specific chemicals being added to the list at this time will be included in the dossiers which the Committee will transmit to EPA in the next few weeks.

**REQUEST FOR COMMENTS**

EPA invites interested persons to submit comments on the Committee's new recommendations. In view of the statutory deadline for initiating rulemaking (or stating reasons for not doing so), the Agency requests that comments be submitted no later than July 21, 1978.

Comments should bear the identifying notation OTS-040004 and should be submitted to Joan Urquhart, U.S. Environmental Protection Agency, Office of Toxic Substances (TS-788), Federal Register Section, 401 M Street SW., Washington, D.C. All written comments will be available for public inspection in Room 623 East Tower, at the same address, between 8:30 a.m. and 4:30 p.m., weekdays.

Dated: April 14, 1977.

**WARREN R. MUIR,**  
*Acting Assistant Administrator  
for Toxic Substances.*

**TOXIC SUBSTANCES CONTROL ACT,  
INTERAGENCY TESTING COMMITTEE,  
Washington, D.C., April 10, 1978.**

**HON. DOUGLAS M. COSTLE,**  
*Administrator,  
Environmental Protection Agency,  
Washington, D.C.*

DEAR MR. COSTLE: In accordance with the requirements of the Toxic Substances Control Act, the TSCA Interagency Testing Committee is now recommending the addition of eight designated entries to the Section 4(e) Priority List. These revisions and the Committee's reasons for recommending them are presented in the enclosed document entitled, "Second Report of the TSCA Interagency Testing Committee to the Administrator, Environmental Protection Agency." The representatives of the statutory member agencies are in consensus on these revisions.

Also, the report contains two special recommendations which bear on the activities of the Environmental Protection Agency. First, it is recommended that EPA consider taking the initiative in the development of a comprehensive survey of health and environmental effects testing facilities in the United States. And secondly, your agency is encouraged to join in the effort to provide increased training support in the fields of mammalian and environmental toxicology, pathology, occupational health and epidemiology as these fields relate to the need

for greater numbers of qualified personnel to meet the increasing demand for testing.

The Committee has not yet completed its review of all of those chemical substances and categories of substances identified during our initial activities in 1977. This review is to continue and will be a subject of future Committee reports. In addition, candidate chemicals recommended by the Committee members or public comment will be reviewed by the Committee as such information is made available.

We trust that this report will be of value to EPA as it continues to carry out the Toxic Substances Control Act.

Sincerely,

**MARVIN E. STEPHENSON,**  
*Chairperson, TSCA Interagency  
Testing Committee.*

**SECOND REPORT OF THE TSCA INTERAGENCY  
TESTING COMMITTEE TO THE ADMINISTRATOR,  
ENVIRONMENTAL PROTECTION AGENCY**

APRIL 1978

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TSCA INTERAGENCY TESTING COMMITTEE

*Statutory Member Agencies*

COUNCIL ON ENVIRONMENTAL QUALITY

Carroll Leslie Bastian  
Nathan J. Karch, Alternate

DEPARTMENT OF COMMERCE

Orville E. Paynter  
Bernard Greifer, Alternate

ENVIRONMENTAL PROTECTION AGENCY

Warren R. Muir  
Joseph J. Merenda, Alternate

NATIONAL SCIENCE FOUNDATION

Marvin E. Stephenson, Chairperson  
Carter Schuth, Alternate

NATIONAL INSTITUTE OF ENVIRONMENTAL  
HEALTH SCIENCES

Hans L. Falk

Warren T. Piver, Alternate

NATIONAL INSTITUTE FOR OCCUPATIONAL  
SAFETY AND HEALTH

Jean G. French, Vice Chairperson  
Vera W. Hudson, Alternate

NATIONAL CANCER INSTITUTE

James M. Sontag

OCCUPATIONAL SAFETY AND HEALTH  
ADMINISTRATION

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SUMMARY

A central provision of the Toxic Substances Control Act (TSCA, Pub. L. 94-469) concerns the testing of chemical substances and mixtures which are used in commerce or may represent an unreasonable risk of injury to human health or the environment. The Act provides for continuing advice from certain Federal agencies having common in-

terests in identifying chemical substances or mixtures for testing. Accordingly, the TSCA Interagency Testing Committee, which is composed of representatives from those concerned Federal agencies, regularly provides to the Administrator of the Environmental Protection Agency (EPA) recommendations on chemicals and mixtures to which the Administrator should give priority consideration for the promulgation of testing rules.

As a result of its deliberations during the past six months, the Committee has elected to revise the TSCA Section 4(e) Priority List by the addition of four individual substances and four categories of substances. The Committee considers these additions to be of the same priority as the previously designated entries. The chemical substances or categories being designated for addition to the Priority List and the testing recommendations are presented alphabetically as follows:

Substance or Category and Testing  
Recommended

Acrylamide—Carcinogenicity, mutagenicity, teratogenicity, environmental effects and epidemiological study.

Aryl phosphates—Carcinogenicity, mutagenicity, teratogenicity, other chronic effects, environmental effects and epidemiological study.

Chlorinated naphthalenes—Carcinogenicity, mutagenicity, teratogenicity, other chronic effects, environmental effects and epidemiological study.

Dichloromethane—Carcinogenicity, mutagenicity, teratogenicity, other chronic effects, environmental effects and epidemiological study.

Halogenated alkyl epoxides—Carcinogenicity, mutagenicity, teratogenicity, other chronic effects, and epidemiological study.

Polychlorinated terphenyls—Carcinogenicity, mutagenicity, teratogenicity, other chronic effects, and environmental effects.

Pyridine—Carcinogenicity, mutagenicity, teratogenicity, other chronic effects, environmental effects and epidemiological study.

1,1,1-Trichloroethane — Carcinogenicity, mutagenicity, teratogenicity, other chronic effects, and epidemiological study.

A set of dossiers containing information on the additional entries designated to the Priority List will be forwarded to the EPA Administrator within a few weeks.

SECOND REPORT OF THE TSCA INTERAGENCY  
TESTING COMMITTEE TO THE ADMINISTRATOR,  
ENVIRONMENTAL PROTECTION AGENCY,  
APRIL 1978

CHAPTER 1. INTRODUCTION

1.1 *Committee Establishment and Responsibilities.* The Toxic Substances Control Act (Pub. L. 94-469) establishes the TSCA Interagency Testing Committee under Section 4(e). The Committee has the continuing responsibility to identify and recommend to the Administrator of the Environmental Protection Agency (EPA) chemical substances or mixtures which should be tested to determine their hazard to human health or the environment. The statute requires that the Committee consider revisions to its previous recommendations at least every six months.

The Committee has eight statutory members appointed by the Federal agencies identified for membership in Section 4(e)(2)(A) of the Act, a number of alternate members as permitted by Section 4(e)(2)(B)(i), and li-

also members from several Federal agencies with programs related to the control of toxic substances. Current Committee members, alternates, and liaison representatives are identified at the beginning of this report.

1.2 *Initial Report.* In July 1977, the Committee published a Preliminary List of 330 chemical substances and categories of such substances including background information describing the methods used by the Committee in making those selections (Reference No. 1). The Preliminary List contains substances and categories selected primarily on the basis of their potential for human exposure and environmental release. Subsequently, the chemicals on the Preliminary List and chemicals added to the Preliminary List on the basis of public comments and Committee recommendations were screened further by the Committee. The screening process was based primarily on the chemicals' potential for causing adverse human and/or environmental effects but also considered their exposure potential. Available data on these chemicals were reviewed with regard to: potential for carcinogenic, mutagenic, teratogenic, and chronic toxic effects; their ability to bioaccumulate or cause deleterious environmental effects; and possible toxic impurities. A scoring system was used in this process which took into account both available information and the lack of it for these factors. The Committee further narrowed the list of substances and categories under consideration on the basis of its scientific judgment and the scoring results, and requested its technical contractor to prepare dossiers on these chemicals. The Committee was able to review about one-half of these substances and categories aided by information in the dossiers. Four individual chemicals and six categories of chemical substances were selected for inclusion in the Initial Report to the Administrator, Environmental Protection Agency (Reference No. 2) dated October 1, 1977.

In addition to the listing of the chemicals designated by the Committee for consideration by EPA, the report contains a detailed description of the methods used in developing the Committee's initial recommendations including data sources and methods used for production, release and exposure scores, as well as biological and environmental scores. Later, on February 7, 1978, a finalized set of supporting dossiers on the designated entries on the Priority List was officially transmitted to the Administrator.

1.3 *Committee Activities During This Reporting Period.* Since completion of its initial recommendations in October 1977, the Committee has continued to consider individual chemical substances and mixtures identified for in-depth consideration by the screening process mentioned in the preceding section.

This review has given specific consideration to the factors described in TSCA Section 4(e)(1)(A) and other relevant factors identified by the Committee. Readily available information on these factors and the knowledge and professional judgment of the Committee members have been employed to select additional entries to the TSCA Section 4(e) Priority List. On the basis of the review of more, but not all, of the previously requested dossiers, the Committee is now recommending the addition of four chemical substances and four categories of chemical substances to the 4(e) Priority List.

1.4 *Future Activities of the Committee.* In the course of developing its third report, the

Committee expects to continue reviewing those dossiers in hand and consider new dossiers on additional chemicals and groups.

#### CHAPTER 2. CONSIDERATION OF AVAILABILITY OF TESTING FACILITIES AND PERSONNEL

Section 4(e)(1)(A) of TSCA requires that the Committee consider, among other factors, the reasonably foreseeable availability of facilities and personnel for carrying out the testing on the substances or mixtures recommended to the Administrator for priority consideration. The Committee concludes that testing capabilities are presently adequate to carry out the recommended health effects and environmental tests on the chemicals listed in Table 1. However, the concerns expressed by the Committee in its first report (Reference No. 2, p. 55048) regarding the limited national capability for conducting long-term tests for environmental effects are reiterated.

The expansion of testing facilities by industry, contracting laboratories, and universities seems to be proceeding at a satisfactory rate, especially in the area of health effects testing. Estimates indicate a significant increase in facilities over the next five years. While this is encouraging, the Committee is aware that the increasing requirements of various government agencies are creating competition for the same testing facilities and personnel. Therefore, the projected need and capacity for health and environmental effects testing is somewhat uncertain and should be more accurately surveyed. The Committee recommends that EPA assume the leadership in the development of a comprehensive survey of availability of current Federal and private health effects testing facilities in the United States and the projected annual capacity of such facilities during the next five years. In those cases where testing is likely to involve animal bioassay, the survey should include an evaluation of the capacity to provide appropriate and sufficient populations of test species.

Of paramount concern to the Committee is the availability of qualified personnel. All indices contained in the *Report of the Second Task Force for Research Planning in the Environmental Health Sciences* (Reference No. 3) indicate a current and future shortage of research professionals in the fields of mammalian and environmental toxicology, pathology, occupational health, and epidemiology. There will be a dearth of professionals and supporting technical personnel in these various skills for many years unless increased training efforts occur at the national level. The Committee notes that several Federal agencies are involved in augmenting training support and recommends that EPA join in these efforts in a significant way.

There is also a need to maintain viable basic research programs in toxicology and other related health fields. This basic need should not be neglected in order to assure short-term gains in the practical application of the present state of the art. Because of the interdisciplinary nature of toxicology and environmental health research, the educational training for some of the disciplines can be provided only by facilities with personnel engaged in this type of research.

The Committee believes that the Civil Service Commission could do much to stimulate interest in these professions by creating professional series and registers for such scarce categories as toxicologists, pathologists, epidemiologists and other scientific fields in environmental protection. Recognition of these environmental health professions by the Commission could encourage students to investigate careers in fields thus far hidden as Federal employment opportunities. It is concluded that such an action by the Commission would have the effect of increasing the available scientific manpower in these specialty fields both in the Government and in industry where the demand for such personnel exists.

#### CHAPTER 3. RECOMMENDATIONS OF THE COMMITTEE

**3.1 Substances and Categories of Substances Recommended for Testing.** On the basis of the review and evaluation of chemical substances which was carried out according to the methods and procedures described in Sections 1.2 and 1.3, the Committee is revising the TSCA Section 4(e) Priority List to add certain substances and categories of substances for which specific testing is recommended. The Priority List and the date each item was placed on the List are given in Table 1. The testing recommendations and reasons for such recommendations are indicated in Section 3.2 for the new entries. Supporting dossiers of information are being prepared in final form and will be forwarded to the Administrator, EPA, at an early date.

All additions to the List are designated chemical substances and categories of chemical substances which the Committee has determined require the Administrator's action under TSCA Section 4(a) within twelve months. The Committee considers these additions to be of the same priority as the previously designated entries. In recommending a category of chemical substances for testing (e.g., the aryl phosphates), the Committee recognizes that certain chemicals which are members of the category may

have been tested previously for an effect of concern. For those chemicals no additional testing may be warranted if the results of previously completed tests are judged adequate for assessing the effect of concern. The Committee also recognizes that the definition and inclusive limits of a given listed category of substances may require additional specification or change in specification as the testing rule is developed. Unless stated otherwise, the chemical substance recommended for testing should be the product to which the population is exposed.

**3.2 Reasons for Recommending Testing of the Additional Substances and Categories of Substances.** In accordance with the reporting requirements of the Act, the Committee has listed in the following sections the test recommendations and reasons for recommending testing for those entries being placed on the Priority List at this time. Table 2 presents a summary of the testing recommendations for each addition to the List.

TABLE 1.—The TSCA Section 4(e) Priority List, by Alphabetical Arrangement

Designated entry	Date of entry
Acrylamide.....	April 1978.
Alkyl epoxides.....	October 1977.
Alkyl phthalates.....	October 1977.
Aryl phosphates.....	April 1978.
Chlorinated benzenes, mono- and di-.....	October 1977.
Chlorinated naphthalenes.....	April 1978.
Chlorinated paraffins.....	October 1977.
Chloromethane.....	October 1977.
Cresols.....	October 1977.
Dichloromethane.....	April 1978.
Halogenated alkyl epoxides.....	April 1978.
Hexachloro-1,3-butadiene.....	October 1977.
Nitrobenzene.....	October 1977.
Polychlorinated terphenyls.....	April 1978.
Pyridine.....	April 1978.
Toluene.....	October 1977.
1,1,1-trichloroethane.....	April 1978.
Xylenes.....	October 1977.

TABLE 2.—Summary of testing recommendations by the TSCA Interagency Testing Committee

Substance or category	Carcinogenicity	Mutagenicity	Teratogenicity	Other chronic effects	Environmental effects	Epidemiology study
Acrylamide.....	X	X	X		X	X
Aryl phosphates.....	X	X	X	X	X	X
Chlorinated naphthalenes.....	X	X	X	X	X	X
Dichloromethane.....	X	X	X		X	X
Halogenated alkyl epoxides.....	X	X	X	X		X
Polychlorinated terphenyls.....	X	X	X	X	X	X
Pyridine.....	X	X	X	X	X	X
1,1,1-trichloroethane.....	X	X	X	X		X

#### 3.2.A Acrylamide.

Testing recommendations: Carcinogenicity, mutagenicity, teratogenicity, environmental effects, and epidemiology.

Substance identification: CAS No. 79-06-1.

#### REASONS FOR RECOMMENDATIONS

*Production, release, and exposure.* The 1976 U.S. production of acrylamide mon-

omer is estimated at 64 million pounds, and indications point to a high growth rate of around 12 percent for the next decade. Eighty percent of the acrylamide produced is used captively in polymer production for water treatment, papermaking and wastewater clarification. About 5 percent is used in chemical grouts as the acrylamide monomer, for soil stabilization and sewer rehabilitation. The remainder is consumed in

other chemical syntheses. Other uses are in the paper and paperboard industry, coal industry, mining and ore beneficiation industry, and secondary oil recovery industry.

Acrylamide release to the environment (usually ending up in surface and ground water) occurs at manufacturing sites, soil grouting sites, polymer application sites and in handling. General population, low-level exposure to acrylamide is likely to occur wherever polyacrylamides are utilized. No data are available on release rates into the environment or actual concentration levels. NIOSH estimates that 20,000 workers are potentially exposed in the workplace.

**Carcinogenicity.** Acrylamide has not been tested for carcinogenicity. Because of widespread low-level exposure to the population, acrylamide should be tested for carcinogenicity.

**Mutagenicity.** Although the results of two independently reported Ames tests were negative, the Committee believes that additional tests, employing other systems, are required to evaluate the mutagenic potential of this chemical.

**Teratogenicity.** Transplacental transport of acrylamide was demonstrated in rats; therefore, it should be tested conclusively for teratogenicity.

**Environmental effects.** In view of the high degree of neurotoxicity and neuropathy caused by cumulative exposure and the extensive use of this material in waste water treatment and soil grouting, studies should be initiated to determine the degree of leaching of the monomer from the polymer with water and various solvents. Further, the potential for environmental exposures to the aquatic ecosystem, movement in soil solution and leachate from soil waste must be determined for biological effects on plant and animal life.

**Epidemiology.** No epidemiological reports on acrylamide have been found in the literature. Studies are needed to provide information on human exposure to acrylamide and to determine the relationship between airborne concentrations and observed effects on humans.

### 3.2.B Aryl phosphates.

Testing recommendations: carcinogenicity, mutagenicity, teratogenicity, other chronic effects, environmental effects, and epidemiology.

Category identification: This category consists of phosphate esters of phenol or of alkyl-substituted phenols. Tri-aryl and mixed alkyl and aryl esters are included, but tri-alkyl esters are excluded.

#### REASONS FOR RECOMMENDATIONS

**Production, release, and exposure.** As a category, the aryl phosphates are produced in quantities exceeding 65 million pounds/year. Several individual aryl phosphates, such as tritoly phosphate and triphenyl phosphate, have annual production greater than 10 million pounds. Aryl phosphates are widely used as plasticizers in polymers (principally in polyvinyl chloride) and in hydraulic fluids and high pressure lubricants. Such uses provide opportunity for extensive occupational exposure to these compounds beyond that encountered in their manufacture. NIOSH estimates that over 2 million workers are so exposed. Because of the nature of their uses, most of the aryl phosphates manufactured will ultimately be released into the environment, although those used as plasticizers may be released quite slowly. Persistence of aryl phosphates in

the environment for significant periods (at least on the order of months) is indicated by the available data.

**Carcinogenicity.** With the exception of several tests of inadequate duration using triphenyl phosphate, the carcinogenic potential of aryl phosphates has not been assessed. Carcinogenicity testing should be performed on aryl phosphates having substantial human exposure and/or environmental release.

**Mutagenicity.** No mutagenicity testing has been reported for aryl phosphates. Such testing should be performed because of the potential of these substances for widespread environmental release and human exposure.

**Teratogenicity.** No teratogenicity testing has been reported for aryl phosphates. Such testing should be conducted for aryl phosphates having substantial human exposure and/or environmental release.

**Other chronic effects.** The neurotoxicity of certain aryl phosphates is well documented. The Committee recommends that aryl phosphates be tested for chronic effects with special emphasis on neurotoxic activity.

**Environmental effects.** Available data, although limited, indicate a potential for persistence of aryl phosphates in the aquatic environment, as well as a potential for their bioaccumulation in aquatic species. There is evidence of chronic toxicity of aryl phosphate hydraulic fluids to fish. Several aryl phosphates potentiate the toxic effects of organophosphate pesticides on insects and one (tri-*o*-cresyl phosphate) has been shown to potentiate such effects in nontarget organisms including mammals. In view of this, the environmental fate and effects on aquatic and terrestrial systems should be evaluated for aryl phosphates.

**Epidemiology.** Because of the large-scale production and potential for substantial occupational exposure of certain aryl phosphates, the Committee recommends that epidemiological studies be conducted.

### 3.2.C Chlorinated Naphthalenes.

Testing recommendations: Carcinogenicity, mutagenicity, teratogenicity, other chronic effects, environmental effects, and epidemiology.

Category identification: This category consists of chlorinated derivatives of naphthalene (empirical formula  $C_{10}H_xCl_y$ , where  $x+y=8$ ).

#### REASONS FOR RECOMMENDATIONS

**Production, release, and exposure.** Available data indicate a production volume on the order of millions of pounds annually. These products have both moderately dispersive uses (e.g., lubricating and cutting oil additives) and enclosed uses (e.g., dielectric for automotive capacitors). Although NIOSH has estimated that several thousand workers are exposed to these compounds, little is known about the ultimate release of these materials from the workplace, during product use, or as a result of disposal.

**Health effects.** Animal studies and analysis of human exposure reveal that these compounds are biologically active, with reports of dermatological (e.g., chloracne) and systemic (liver) effects. To date, there are no reported data on the carcinogenicity, mutagenicity, or teratogenicity of these compounds. Thus, there is a need to conduct such studies, as well as to investigate more thoroughly the chronic effects of these materials. Epidemiological studies should be undertaken where appropriate.

**Environmental effects.** Little information on the ecological effects of these materials

is available, but the detection of chlorinated naphthalenes in stream sediments, fish, and fish-eating birds point to their dispersal, persistence, and bioaccumulation in the food chain. Therefore, testing is needed to obtain data for judging the environmental effects of these chemicals.

### 3.2.D Dichloromethane.

Testing recommendations: Carcinogenicity, mutagenicity, teratogenicity, other chronic effects, environmental effects, and epidemiology.

Substance identification: CAS NO. 75-09-2.

#### REASONS FOR RECOMMENDATIONS

**Production, release, and exposure.** The 1976 U.S. production of dichloromethane (also known as methylene chloride) exceeded 500 million pounds, a 12 percent increase over the 1972 level. An average 9 percent annual growth rate is projected over the next several years as this chemical enters markets dominated by fluorochlorocarbons in the past. Approximately ¼ of the volume produced is thought to be released to the environment through activities at industrial sites, in homes and elsewhere. NIOSH estimated that 2.5 million workers are exposed to this material at their place of work. Its use in an array of aerosol spray products and other household products brings a large fraction of the general population into contact with this chemical.

**Carcinogenicity.** No carcinogenicity test data were found in the searched literature. There is sufficient concern based for the Committee to recommend this chemical for such testings. The Committee is aware of two studies currently under way, however, whose results may be judged adequate to obviate the need for additional testing.

**Mutagenicity.** No mutagenicity test data have been reported. Such studies should be conducted in view of the widespread exposure to this chemical and its demonstrated biological activity.

**Teratogenicity.** One study has reported equivocal findings of abnormalities in the offspring of pregnant rats and mice exposed to this chemical. Additional testing is needed to assess this potential hazard.

**Other chronic effects.** Laboratory investigations and case studies have reported that dichloromethane can affect various organs (e.g., lungs and eye) and systems (blood), as well as behavior. Given the widespread use of this chemical under many different conditions, this information indicates a need for further testing.

**Environmental effects.** Dichloromethane is being released in large quantities and in a broad dispersion pattern throughout the environment. Low-level residues have been measured in water. The exact nature of this exposure and its chronic effects on the biota need to be determined.

**Epidemiology.** Epidemiological studies should be conducted to assess human risk.

### 3.2.E Halogenated Alkyl Epoxides.

Testing recommendations: Carcinogenicity, mutagenicity, teratogenicity, other chronic effects, epidemiology.

Category identification: This category consists of halogenated noncyclic aliphatic hydrocarbons with one or more epoxy functional groups.

#### REASONS FOR RECOMMENDATIONS

**Production, Release, and Exposure.** The 1975 U.S. production of epichlorohydrin (1-chloro-2,3-epoxypropane) exceeded 500 mil-

million pounds. NIOSH estimates that between 50,000 and 140,000 workers are exposed to epichlorohydrin annually. While epichlorohydrin is currently the only widely used halogenated alkyl epoxide, advertising and trends in the chemical industry lead the Committee to the conclusion that chemicals of this type may find wider use in the future.

**Carcinogenicity.** Halogenation of an alkyl epoxide enhances its activity as an alkylating agent and hence its biological activity. Halogenated alkyl epoxides also may inhibit detoxifying enzymes in mammals. Equivocal results of recent carcinogenicity studies on epichlorohydrin further point out the need for testing this chemical category for potential carcinogenicity.

**Mutagenicity.** Epichlorohydrin has been shown to be mutagenic to mice and bacteria. The potential human toxicity of this and other halogenated alkyl epoxides should be evaluated.

**Teratogenicity.** No information could be found on the potential for teratogenicity of the halogenated alkyl epoxides and they should be studied for this effect.

**Other Chronic Effects.** Epichlorohydrin has been reported to penetrate human skin and cause systemic effects. This raises concern for other toxic effects and target organ toxicity of all the halogenated alkyl epoxides. Appropriate studies for these effects are recommended.

**Epidemiology.** No epidemiological studies of any of the halogenated alkyl epoxides were found in the literature. Studies are needed to provide information on the effects of human exposure to these compounds.

### 3.2.F Polychlorinated terphenyls.

Testing recommendations: Carcinogenicity, mutagenicity, teratogenicity, other chronic effects, environmental effects. Category identification: This category consists of the polychlorinated *ortho*-, *meta*- and *para*-terphenyls.

#### REASONS FOR RECOMMENDATIONS

**Production, Release and Exposure.** Although the production of polychlorinated terphenyls was discontinued in the United States in 1972, there has been an increase in imports of polychlorinated terphenyls from 160,000 pounds in 1973 to 400,000 pounds in 1975. Polychlorinated terphenyls are presently used in waxes for investment casting and this use leads to wide environmental dispersion. Residues of polychlorinated terphenyls have been found in human fat and milk and in samples of water and sludge. In a group of 27 individuals tested for blood levels of polychlorinated terphenyls and polychlorinated biphenyls, the average concentration of polychlorinated terphenyls in the blood was greater than that of polychlorinated biphenyls, despite a far greater industrial use of polychlorinated biphenyls in the area of study.

**Carcinogenicity.** No reports of long-term carcinogenicity studies of polychlorinated terphenyls were found in the searched literature. The Committee recommends that polychlorinated terphenyls be tested for carcinogenicity.

**Mutagenicity.** No information on the mutagenicity of polychlorinated terphenyls was found in the searched literature. The Committee recommends that mutagenicity tests be conducted.

**Teratogenicity.** No information on the teratogenicity of polychlorinated terphenyls

was found in the searched literature. The Committee recommends that teratogenicity tests be conducted.

**Other Chronic Effects.** Liver, skin and hematopoietic effects have been observed at high level exposures. Effects at lower levels cannot be characterized from existing data. Chronic studies to evaluate the effects of prolonged exposures are recommended.

**Environmental Effects.** The limited available data indicate a potential for bioaccumulation. No adequate information is available on the ecological effects of these chemicals.

### 3.2.G PYRIDINE.

Testing recommendations: Carcinogenicity, mutagenicity, teratogenicity, other chronic effects, environmental effects, epidemiology.

Substance identification: CAS No. 110-86-1.

#### REASONS FOR RECOMMENDATIONS

**Production, Release, and Exposure.** The annual production of pyridine is estimated to be in excess of 60 million pounds, based on production amounts for 1976. Although the amount of pyridine released into the environment is unknown, its production volume and variety of uses raise concern with respect to human exposure. NIOSH estimates that 249,000 workers may be exposed to pyridine.

**Carcinogenicity.** Only one limited carcinogenicity study was found in the searched literature. By current standards, the study is judged inadequate as an evaluation of the carcinogenic potential of pyridine. The Committee, therefore, recommends that appropriate carcinogenicity testing be undertaken on pyridine.

**Mutagenicity.** No mutagenicity studies on pyridine were found in the searched literature. Given its known biological activity, production volume, and human exposure, it is recommended that appropriate mutagenicity testing be undertaken on pyridine.

**Teratogenicity.** Only one limited teratogenicity study was found in the searched literature on pyridine. It indicated that pyridine produced abnormalities in chicken embryos. An evaluation of teratogenic effects should be undertaken in other species.

**Other Chronic Effects.** The carcinogenicity study cited above is the only investigation lasting one year or longer found in the searched literature on the possible chronic effects of pyridine. Short-term studies indicate that pyridine affects the central nervous system and causes degeneration in the liver and kidneys. Chronic effects on these and other systems should be evaluated in appropriate long-term studies.

**Environmental Effects.** The environmental release of pyridine may pose a hazard to aquatic biota and terrestrial life. Residues have been detected in water and uptake in plants has been reported. Although a wide range of toxicity has been measured for plant and animal life in short-term bioassay tests, the results of one longer-term exposure to *Daphnia magna* indicates a potential for chronic toxicity. More testing is needed to determine the biological significance of residues and the potential effects of long-term exposures on both plant and animal life.

**Epidemiology.** Pyridine has been reported to have an effect on the central nervous system in humans, as well as to produce injury to the liver and kidney. Given the large number of workers exposed, epidemiological studies should be undertaken.

### 3.2.H 1,1,1-Trichloroethane.

Testing recommendations: Carcinogenicity, mutagenicity, teratogenicity, other chronic effects, epidemiology. Substance identification: CAS No. 71-55-6.

#### REASON FOR RECOMMENDATIONS

**Production, Release, and Exposure.** This compound is produced primarily for use as a cleaning solvent for metals and other materials. 1,1,1-Trichloroethane (methyl chloroform) has the potential to replace the chlorinated ethylenes in a variety of solvent formulations used commercially. The U.S. production of this compound totaled approximately 630 million pounds in 1976. Current release rates are not known; however, it is estimated that over 300 million pounds of this compound are employed in dispersive uses which would principally result in releases to the atmosphere. The significant adverse effects on the upper atmosphere have been evaluated. Minor amounts may also enter the aquatic and terrestrial environment. NIOSH estimates that about 3,000,000 persons may be exposed to this material in the workplace.

**Carcinogenicity.** The currently available information, including recent results from the NCI carcinogenesis bioassay program, indicates that data are not adequate to make a judgment on the carcinogenic potential of 1,1,1-trichloroethane. The Committee recommends that this chemical be evaluated with respect to carcinogenicity.

**Mutagenicity.** The absence of information on the mutagenicity of this compound indicates that such studies should be undertaken.

**Teratogenicity.** The Committee concludes that the current available information on teratogenic effects is insufficient to judge the hazard potential of this material. Consequently, it is recommended that appropriate teratogenesis studies be undertaken on 1,1,1-trichloroethane.

**Other Chronic Effects.** There is insufficient evidence regarding the impact of chronic, low-level exposure to 1,1,1-trichloroethane. Chronic effects, with specific attention to neurological, cardiovascular and renal systems, should be evaluated in appropriately designed studies.

**Epidemiology.** No investigations of health effects in occupational workers exposed to 1,1,1-trichloroethane were found during the Committee's review of this material. Given the large population of workers exposed to this compound, it is recommended that appropriate epidemiological investigations be conducted.

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